



Innovations in Civil Legal Services

By

**AARP Legal Advocacy Group, Management Information Exchange,
& Legal Services Corporation**

**Materials Presented at
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Milwaukee, Wisconsin
November 13-16, 2002**

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The Legal Counsel for the Elderly, Inc., a nonprofit agency sponsored by the AARP, is a national support center specializing in the delivery of legal services to older persons.

Innovations In Civil Legal Services Workshop
Friday, November 15, 2002
3:30 – 5:00 PM

Agenda

3:30 PM – 3:32 PM **Introduction by Wayne Moore, Jan May, and Monica Holman**

3:32 PM – 3:43 PM **David Hall**
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Presentation: Practice Area Delivery System: A Virtual Office

3:43 PM – 3:54 PM **Lillian Moy**
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Presentation: The New York State Diversity Coalition

3:54 PM – 4:05 PM **Juliet Stone**
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Presentation: Asian Language Legal Intake Program

4:05 PM – 4:16 PM **Robert Nasdor**
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Presentation: LiveJustice

4:16 PM – 4:27 PM

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Presentation: Health Consumer Center of Los Angeles

4:27 PM – 4:38 PM

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Presentation: The Brief Services Unit

4:38 PM – 4:49 PM

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Presentation: AIDS Law Education Research and Training

4:49 PM – 5:00PM

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Presentation: Fireside Chats

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Innovation Description

Program Name: Texas Rural Legal Aid

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Email: dhall@trla.org

Program Director: David G. Hall

Contact Person: David G. Hall

Subject Area: Delivery System

Project Title: Practice Area Delivery System: A Virtual Office

A. Problem:

Combining five programs with 365 total staff in 22 offices spread over an area the size of Colorado is a daunting task.

B. Innovation:

A home-grown case management system, centralized database of case/client records, a Citrix-based wide area network, a web site that supports the advocates, and a law-student operated hotline have enabled TRLA to create a virtual office that delivers specialized legal services through practice area teams.

C. Result:

Clients have equal access to all program services no matter where they live; attorneys and paralegals deliver specialized legal services in 33 different practice areas, without regard to geography; attorneys can review new cases and make disposition decisions on them, can collaborate with other members of their Practice Area Team on cases, and manage their cases, including document assembly, from anywhere they have internet access.

D. Replication:

Any multiple-office legal services provider could benefit from office integration through technology.

E. Materials Available:

TRLA Report: The Virtual Office: Technology Enables the Practice Area Delivery System.

Texas Rural Legal Aid

The Virtual Office: Technology Enables the Practice Area Delivery System

Texas Rural Legal Aid provides limited access to civil legal services for the indigent residents of Southwest Texas and for migrant and seasonal farm workers in seven Southern states from Texas to Kentucky. Almost two million poor people look to TRLA as their principal law firm. A recipient of funding from the Legal Services Corporation, TRLA has seen its federal resources shrink by more than 50% in the last two decades, and although state and local support has increased in the last several years, it has not come close to replacing the diminished federal funding. Thus, the competition for limited lawyering resources has become ever more intense.

The 100 lawyers who remain must be used more effectively, and their productivity must be increased. Technology cannot replace the lost resources, but it can be helpful in reducing the impact of fewer and fewer advocates for the poor. TRLA has resorted to technology to convert its widely-scattered staff into a virtual office. Using a custom-written case management system to access a centralized database of case records, a Citrix-based wide area network, a law student operated telephone call center, and an advocate-oriented web site, TRLA can now operate as if it were one large office – a virtual office – with a full range of advocacy specialists and support staff in the same building. Advocates who are hundreds of miles from one another can function as a complementary team to represent a client who may not live anywhere near her lead counsel.

This report describes the new TRLA Practice Area Delivery System, a progeny of the virtual office.

TRLA Virtual Office, p. 1

The Region and Its Clients

TRLA serves the indigent residents of 68 counties in Southwest Texas, from Austin to El Paso, and south to Brownsville. On June 28, 2002, Bexar County Legal Aid Association, Coastal Bend Legal Services, El Paso Legal Aid Society and Legal Aid of Central Texas merged into TRLA, forming one of the three largest programs of its kind in the country. The areas previously served by the constituent programs, and the resulting merged areas, are shown on the map at Figure 1.

The area is vast, approximately the same size as Colorado, the 8th largest state in the country. From Brownsville in the southern tip to El Paso at the western end is a distance of more than 600 miles. It ranges from intensely urban in places like San Antonio and Austin to sparsely populated rural areas in the Trans-Pecos region.

The dominant feature of the service area is its proximity to Mexico. Although Mexico is rapidly transforming itself from an agrarian to an urban nation, one whose economy is based on manufacturing and international trade, there is a dramatic difference in wealth between the two nations' economies. The border communities served by TRLA are where the differences and the similarities are most dramatic, and most intertwined.

As might be deduced, the population is overwhelmingly Hispanic, as indicated from Figure 2. The population in the first tier of counties along the border is from 80% to over 90% Mexican-American. Spanish is the language of choice for a majority of the population in the border communities, mandating that staff be fluent in Spanish.

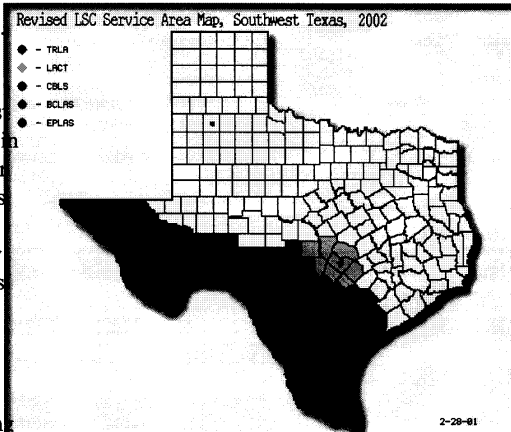


Figure 1: TRLA Service Area, 2002

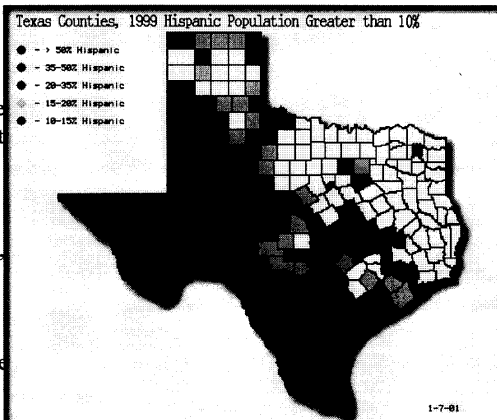


Figure 2: Hispanic Population in Texas, 1999

as well. The border blends elements of both nations' cultures into a unique, and rich, binational environment. Aggressive voting rights litigation in the 1970's and 1980's helped to turn political control over to the Mexican-American majority throughout much of the service area.

Commensurate with a very large Hispanic population in Southwest Texas is a very large poverty population. Mexican-Americans shoulder a much larger poverty burden than Anglos in their communities, so it is not surprising that the TRLA service area contains 7 of the 10 counties in Texas with greater than 50,000 poor people. The poverty rate in most border counties exceeds one-third of the population. The urban counties with large numbers of people in poverty – Bexar, Cameron, El Paso, Hidalgo, Nueces, Travis and Webb – present a different set of challenges and opportunities for the civil legal services delivery system. In addition, three of those counties (Hidalgo, Cameron and Webb) consistently are among the five poorest metropolitan counties in the United States and are also among the fastest-growing counties in the country. The numbers of clients and the complexity of their legal problems demand a service delivery system that can process a high volume of routine cases in the most efficient manner possible, while supporting high quality litigation to resolve the more daunting and complex cases.

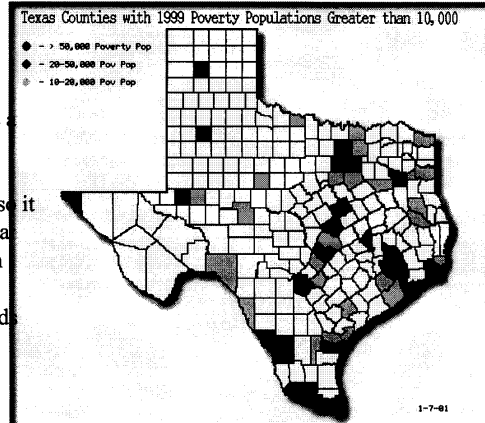


Figure 3: Distribution of Poverty Population, Texas, 1999.

Since 1977, TRLA has been the designated firm for the delivery of civil legal services to migrant farm workers in Texas. The border area has long had the largest single concentration of US workers who travel long distances to harvest crops, to work in packing sheds and poultry processing plants, plant forest seedlings, and to do the dangerous, difficult jobs at low wages that no one else will do. With aggressive litigation to enforce federal and state protective statutes for farm workers, TRLA staff have developed a national reputation for its advocacy. In 2001, LSC recognized that effort by awarding TRLA the grants to serve migrants in six Southern states: Kentucky, Tennessee, Alabama, Mississippi, Arkansas and Louisiana. To serve that area, TRLA opened a four-lawyer office in Nashville, Tennessee, operating as Southern Migrant Legal Services.

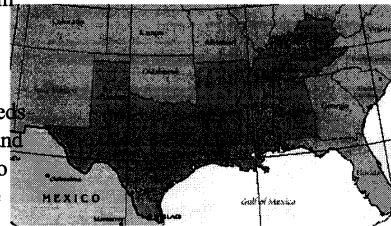


Figure 4: Migrant farm worker service area.

The Technology

To address the needs of two million eligible clients in such a vast service area, TRLA has resorted to technology in a major way. The case management system, wide area network, call center intake system, and web site are all parts of the technology infrastructure that make the practice area delivery system possible.

Client Tracking System

Because available commercial case management software did not afford the intake and litigation support to meet the program's needs, TRLA developed its own application. The TRLA Client Tracking System, or "CTS," is the product of ten years of evolutionary development. Beginning in the early 1990's, the CTS was built from the ground up to be the primary case management tool for program advocates. Most of the available software had been designed primarily to furnish caseload statistics to the funding sources. The CTS, on the other hand, was designed as a tool to guide intake workers and to support the advocate.

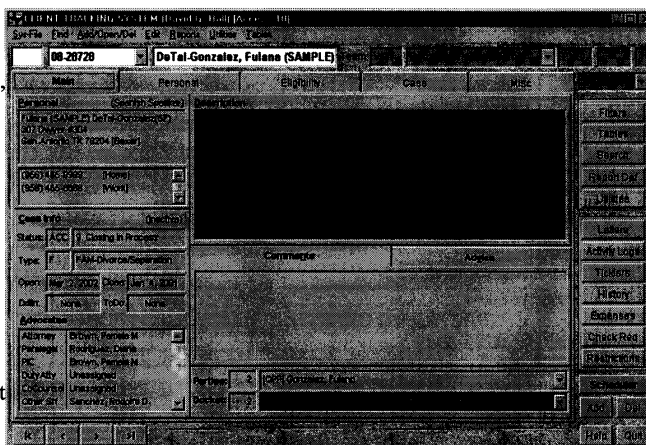


Figure 5: Client Tracking System, Main Screen

The basics are all there. The CTS screens allow the intake worker to accomplish the eligibility review in an expeditious, non-intrusive manner. Built-in calculators for income, public benefits, and family assets permit a paralegal or law student to record the information from a few limited questions and to determine at a glance the applicant's financial eligibility for free legal services. Similarly, complicated questions regarding the eligibility of applicants who are not US citizens, meant to implement Congressional restrictions on representation, can be asked and answered swiftly in the vast majority of cases. Reports to funding sources are built into the system, and their accuracy have resulted in very few reporting "exceptions." Originally developed with FoxPro for DOS, the IT staff is now converting the application to Visual FoxPro for Windows and integrating the document assembly functions with Microsoft Word.

At the twin objectives of intake and advocacy is where the Client Tracking System plays its critical role in the delivery system. For the intake worker, the CTS includes a number of case-type

modules that guide the interviewer through the substantive data collection process. When the law student or paralegal identifies the case type, a module linked to that case type code is activated. The module identifies the information necessary for the advocate to process the case, and much of that information will ultimately be fed into automatically assembled documents that are produced directly from the CTS. For example, with the information for a divorce case obtained by the intake worker, the lawyer who is assigned the case can immediately assemble a divorce counter-petition, an application for a protective order, or a 30-page final judgment.

For the advocate, the CTS provides a range of critical support tools. Document assembly is obviously one of those important tools. In addition, the Docket, with its associated databases of courts and their staffs, as well as indexes of pleadings and settings, serves an important role in litigated cases. The CTS also includes a database of interested parties, including opponents and their counsel, and a witness database, with expert and fact witnesses alike. Activity logs, integrated with the LSC-mandated timekeeping system, record all actions taken by staff members on the case. For routine advice-only cases, a bank of commonly-provided legal advice is available to be assembled into a letter confirming the advice given orally to the client during the intake interview. Several types of “ticklers” or reminders are available to keep track of cases as they move from intake to final closing. The CTS is integrated with the accounting system, giving the lawyer instant access to litigation expenses incurred in the case.

The CTS is also a powerful management information tool. Reports can be generated at any time depicting a case handler’s current caseload information, or a report for an entire office or practice area team. Supervisors and co-workers can quickly identify inactive cases or caseloads that are excessive through a dynamic “aged accounts” report on the password-protected intranet, identifying for each case handler the number of new case dispositions pending and reviewed, as well as caseload of extended service cases.

Wide Area Network

TRLA established local area networks in its 12 branch offices in the early to mid-1990’s. In 1998, with grants from the Legal Services Corporation and the Texas Bar Foundation, TRLA embarked on a campaign to connect the LAN’s in all the offices onto a wide area network. The objective was to have all staff work from a single, centralized CTS database of case records, facilitating collaboration on cases. Cases could be transferred electronically, information from clients and witnesses could be entered into the system once, and all information on a case would be available to all advocates and staff immediately, and reports could be generated quickly from all data in the system. Previously, creating reports required the IT staff to do an overnight download of information from the 12 branch office databases into the Weslaco headquarters database, then to reconcile the data. That was a laborious and inefficient process.

Using Citrix Metaframe software to control internet access to a centralized database, the WAN

was cobbled together using a variety of connections. At the time the WAN was set up, high speed internet access in rural counties was scarce to nonexistent, and it was necessary in many sites to use expensive leased lines, including T-1 and ISDN. To secure high speed access to the internet at an affordable cost, it was necessary to sign three-year contracts. Those contracts expired in 2002, and the availability of much cheaper DSL and cable modem connections has dramatically reduced the operating costs of the WAN.

The system servers are now located in San Antonio, where a robust, direct connection to the internet backbone was possible. Every staff member in every TRLA office, including the offices of the four programs that merged with TRLA in June 2002, now are on the WAN. The email system has been installed for all staff and training is underway for the newest version of the Client Tracking System.

Telephone Access to Justice

With the Client Tracking System and Wide Area Network in place, TRLA initiated a new intake system. The CTS/WAN combination allowed intake from a centralized point to be routed to the appropriate staff members swiftly and seamlessly. The Telephone Access to Justice call center, with nine computer/telephone work stations, was established in San Antonio in the fall of 1998. It supplements the long-standing practice of having paralegals do eligibility screening and substantive interviewing. Thirty-five to forty law students at St. Mary's University work on a part-time basis to conduct client intake. Intake includes extensive substantive interviewing, using the modules and other features of the Client Tracking System to guide the interview process. A client can call from anywhere in the United States on toll-free lines. The students also provide pro bono and pro se support services, particularly in rural counties. Operating on a schedule of 8:00 am until 6:00 pm, and often later, the students in some months have handled up to 45% of total program intake operations. The TAJ has been so successful that plans are in place to expand its operations with a second site in Austin, using University of Texas law students and special funding from LSC. It should be online by the end of the year.

The more experienced students also provide legal advice and counseling in routine cases, entering the advice given to the client orally into a CTS field for that purpose. When the supervising attorney reviews the case, she can accept or modify the advice given orally and merge it into a confirming letter to the client. Until October 2001, when the Practice Area Delivery System was implemented, the supervising attorney would normally be a staff attorney in the office nearest to the client.

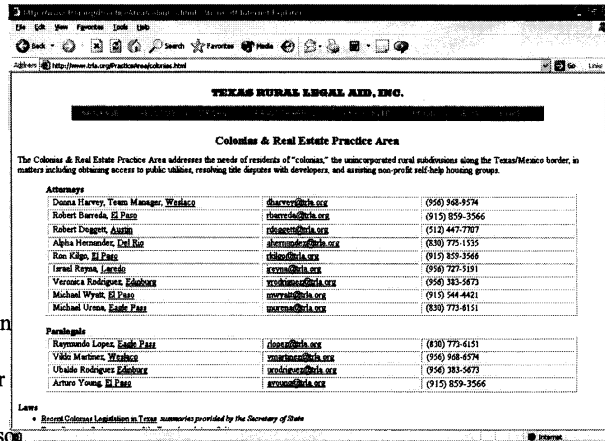
With the merger of Coastal Bend Legal Services into TRLA, another type of hotline was inherited, one that will nicely complement the TAJ-law student approach. The Corpus Christi hotline is staffed by attorneys and paralegals, and operates on a more limited schedule four mornings each week. The largest deficiency with the use of law students is that allowances must be made for the academic schedule. Thus there are times when there are very few students available to work the phones. The

Corpus Christi staff, together with paralegals in branch and satellite offices, will be essential supplements to the TAJ

To stitch these various intake sites into an integrated whole, TRLA will establish a single telephone number (888-988-9996) that clients can contact from anywhere in the country. Automatic call direction capability, probably using voice-over-IP technology, will send the client's call to the next available operator who speaks her language, whether that intake worker is located in Austin, San Antonio or Corpus Christi. The result should be a more efficient utilization of the intake workers who are available, and a simple way for clients to access program resources.

WWW.TRLA.ORG

TRLA created a web site in 2001 to support the advocacy efforts of the staff. Very few poor people in Southwest Texas have meaningful access to computers, so the designers of the site focused on the needs of advocates rather than seeing it as an alternative delivery mechanism for clients. As a result, it complements the other elements of the delivery system. The web site has a confidential, password-protected intranet site as well.



The screenshot shows a web browser window displaying the Texas Rural Legal Aid, Inc. website. The page title is "Colonias & Real Estate Practice Area". Below the title, there is a paragraph describing the practice area's focus on serving residents of "colonias" along the Texas/Mexico border. The main content is a table listing attorneys and paralegals with their names, email addresses, and phone numbers.

Texas Rural Legal Aid, Inc.		
Colonias & Real Estate Practice Area		
The Colonias & Real Estate Practice Area addresses the needs of residents of "colonias," the unincorporated rural subdivisions along the Texas/Mexico border, in matters including obtaining access to public utilities, resolving title disputes with developers, and assisting non-profit self-help housing groups.		
Attorneys		
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The content and much of the design of the site was created by a VISTA Volunteer, who worked part-time on the project. She assembled a huge number of useful links to other sites on the web, and organized them by practice areas. A summer intern updated the links in 2002 and added the staff of the four merged programs. The architecture for the site was done by one of the IT staff, also on a part-time basis. By using volunteers and a limited amount of staff time, the cost of the site has been minimal.

The Practice Area Delivery System

For many years programs serving widespread rural communities have been envious of urban programs that could offer their clients a degree of specialization unheard of in a two-lawyer office. The legal profession has long recognized the compelling need for its members to specialize. The time when

a lawyer could stay abreast of developments in a wide variety of practice areas is long past. For over a quarter century the Texas bar has recognized the importance of this trend through its specialist certification programs. Similarly, poverty lawyers have been aware of the advantages of specialization for at least that long.

However, for a program serving a large rural area, the dream of specialization remained just that – a dream. When numerous small offices had to be scattered throughout the service area to give clients a modest chance at access to services, the unavoidable victim was specialization. Until now. Technology presents the opportunity to treat many offices as one virtual office. For TRLA, none of the individual systems – not the CTS, the WAN, the TAJ, or the web site – could create that virtual office, but operating together they do. Each is an essential component of the new practice area delivery system.

The practice area system evolved from a Justice Department Violence Against Women Act grant in 1999 that established a joint project between TRLA and the 12 shelter organizations in the pre-merger service area. Using the technology already in place, TRLA lawyers began to provide legal work supervision for the legal advocates in the shelters. Clients had the advantage of having a substantive intake done in the safety of the shelter by an advocate who has already demonstrated her concern for the client's safety and welfare. The intake information could be used by the TRLA attorney to prepare an application for a protective order, a divorce petition, or, if the client were undocumented, a self-petition for adjustment of status with the Immigration Service.

The VAWA project proved the concept of using the WAN/CTS technology to offer specialized legal services for victims of domestic violence. It extended the reach of the three attorneys specializing in domestic violence issues to all of the 47 counties then in the service area. In addition to the clients reached through the shelters, the TAJ and branch offices also allowed victims quick access to the DV lawyers. There was an easy and constant flow of information about victims' cases between the shelter advocates and the TRLA lawyers. Shelter advocates used the CTS to produce client affidavits in support of protective order applications, and the lawyers could use the information obtained by the shelter advocates to produce divorce petitions and decrees. In short, the VAWA Project demonstrated that specialization could be extended into rural areas through technology, and produce tangible synergy benefits in the process.

In early 2001, as LSC announced revised service areas for Texas, TRLA decided to overhaul its service delivery system to emulate the VAWA model. The planning process was carried out over the first nine months of the year, culminating in a series of meetings to explain the practice area plan to the general staff. Lawyers and paralegals were asked to volunteer for approximately 25 practice area teams, from traditional subjects like family, housing and consumer law to areas that are more specifically tailored for Southwest Texas, such as *colonias*, border issues, and workers displaced by the effects of NAFTA.

On October 1, TRLA initiated the new Practice Area Delivery System. The system has three primary components: intake, case disposition, and case management. Intake still has a geographical component in that it may be done at a local office as well as a centralized hotline. Case disposition and management, on the other hand, are organized around subject areas rather than geography. Subject areas can be focused on areas of the law (domestic violence, landlord-tenant, employment), or types of clients (farm workers, elderly, juveniles), or unique characteristics of the service area (*colonias*, displaced workers, border issues). Each team addresses a discrete subject, with the exception of the four homogeneous family law teams.

Intake workers, whether a law student at the TAJ, a paralegal in a branch office, or a legal advocate at an organization serving domestic violence victims, use the CTS to guide their interviews of new clients. When the intake worker has identified the type of case, the selection of the code appropriate for the case triggers two important events. First, if the case type has an associated module, such as for a divorce, custody or protective order case, the module becomes accessible. The intake worker uses the module to store pertinent case information in the CTS for retrieval at any time by any advocate with access to the system, and in the process the module guides the non-lawyer through the substantive legal interview.

The second event triggered by the case type selection is the identification of the “Duty Attorney” for that day for that particular case type. Each Team Manager has previously assigned some member of her team to be the “DA” for each of 365 days per year. When a law student enters the case type code, the CTS automatically assigns the DA for that case. The intake worker notifies the DA when the case is ready for “disposition review.” That action usually occurs only after the intake worker has obtained the information that is essential for the DA to make a fully informed disposition decision. Obtaining a certain level of information about the client’s case is essential to the efficient operation of the delivery system. In many routine cases that can be done at the initial interview; in other cases, it may require follow-up interviews by the student. In still others, it is necessary to forward documents to the DA for her review.

The intake worker notifies the Duty Attorney by a very brief email message that a case is ready for Disposition Review, or “DR.” The intake worker is encouraged to provide the DA her recommendation for case disposition, and to draft proposed legal advice from a bank of standardized advice in the CTS database. Within three days, it is the responsibility of the DA to review the information in the CTS and to make a disposition decision. If some element of essential information is not present, the DA can send the case back to the intake worker to get the additional data. The primary purpose of the DR is to decide whether the case will be given extended services treatment. If not, the DA will close the case with a letter confirming any advice that might have been given to the client during the intake interviews. The CTS facilitates that action through its automatic document assembly functions.

If extended services are appropriate, the DA is responsible for deciding how those services will

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be provided. The highest priority cases generally will go to staff attorneys on the team. Others may go to pro bono lawyers, to assisted pro se clinics, or perhaps to a private lawyer working on a reduced-fee contract. Collaboration among team members in distant offices is encouraged. Some team members are assigned responsibilities as Duty Attorneys, others may serve as mentors, while still others may serve only as local counsel for one of the more experienced team members.

Each team is headed by a Team Manager who is responsible for developing and implementing case acceptance guidelines, scheduling Duty Attorneys to review new cases on each day of the week, supervising cases given extended services treatment, creating routine documents and other materials for the CTS, and generally guiding the efforts of the firm within that particular practice area. Team Managers also have duties on such matters as hiring attorneys and paralegals on the team, supervising legal work, and carrying out disciplinary functions when required. Teams are organized into six major “groups,” each of which is headed by a group coordinator: Family/Domestic Violence, Housing, Labor & Employment, Public Benefits, Economic Self-sufficiency, and Individual Rights. The current teams are listed, with their members, on the TRLA web site: www.trla.org.

Innovation Description

Program Name: New York State Diversity Coalition

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Fax: (518) 427-8352

Email: lmoy@lasnny.org

Program Director: Lillian M. Moy

Contact Person: Lillian Moy (lmoy@lasnny.org); Tanya Douglas (Tanya@mfy.org);
Marshall Green (mwgreen@legal-aid.org)

Subject Area: Diversity/Human Resources/Cultural Competency

Project Title: NYS Diversity Coalition

A. Problem:

Legal services programs serve increasingly diverse client communities, and must develop the capacity to provide culturally competent legal services. At the same time, our programs often face unresolved diversity issues among staff, and considerable diversity issues in recruiting and maintaining a diverse staff.

B. Innovation:

A coalition of legal services staff and managers from throughout the state, dedicated to raising and resolving diversity issues within their own programs and the legal services community statewide. The coalition started by offering a training at a statewide legal services conference, then following up with questionnaires to solicit statistical and anecdotal information about diversity issues. The coalition attempts to respond to the most pressing needs identified through this questionnaire and our continued meetings: training and increased awareness and attention to diversity issues.

C. Result:

The coalition has been meeting for over six years, providing support and training to legal services staff throughout the state. Several different training

events have been developed and offered first statewide and then nationally. Topics include: Getting it Right: Race and Language in Legal Services Hiring; “We Don’t Have Diversity Problems Here: A Day in the Life of a Legal Services Office,” Leadership and Mentoring, Skills to Represent Diverse Clients: Cultural Competence at Work. Coalition members also support each other in addressing diversity issues within their own programs. For example, over the years, we have addressed review and refinement of a program’s AA/EEO Plan, developing a local diversity committee, and thorny layoff issues.

D. Replication:

Easily replicated if there’s a core group of local legal services staff/managers with a strong interest in addressing diversity issues within the state. Volunteer leadership will be necessary, but managers can and should make time for staff from all job categories to participate.

E. Materials Available:

Attached are 10 Steps to Diversity Your Legal Services; NY State Diversity Coalition Mission Statement; and the NY’s Diversity Questionnaire. Training materials and the videotape for “We Don’t Have Diversity Problems Here: A Day In the Life of a Legal Services Office” are also available.

TEN ACTION STEPS YOU CAN TAKE TO DIVERSIFY YOUR LEGAL SERVICES COMMUNITY

1. Start a Diversity Coalition in your state or region.
2. Present diversity trainings to your own staff and Board members.
3. Ensure that trainings sponsored by your program are planned and taught by a diverse range of trainers.
4. Nurture diverse new leaders in your program and in your legal services community by: giving them opportunities to expand or hone their skills; mentoring them on some aspect of their work as an attorney or budding manager; checking in with your supervisors to make sure that they are open to cross-cultural mentoring relationships among their staff and other legal services staff.
5. Review your program's affirmative action/equal employment opportunity policy and revise accordingly. Update your workforce analysis and assess where your program is in accomplishing its goals. Does your workforce mirror your client community?
6. Review your sources for recruiting new staff to ensure that you are taking all steps you can to create a diverse applicant pool.
7. Review job descriptions to ensure all job requirements are legitimate.
8. Consider altering your job postings to weigh a candidate's cultural awareness as part of hiring. This would include being a person of color and/or a person with a disability, experience working with people of color and/or people with disabilities who are legal services eligible, experience as a low income person and other criteria.
9. Review your internal operating procedures to ensure that, as much as possible, your systems for assigning cases, special projects or otherwise doling out work are free from subjective preferences and perceived as such.
10. How do you intend to diversify your legal services community? Create your own action step!

NEW YORK LEGAL SERVICES STATEWIDE DIVERSITY COALITION

MISSION STATEMENT

The Statewide Diversity Task Force's Mission is to create a representative and collaborative atmosphere within Legal Services and Legal Aid programs so that:

- ◆ Individual staff members are empowered to do their best work on behalf of clients unhindered by barriers that historically limited their participation and contribution because of their race, gender, ethnicity, sexual orientation, age, class and class background, health status, disability or condition, faith, childcare responsibilities and/or job category;
- ◆ An environment is created that features inclusion of, respect for, and sensitivity to, the variety of cultural backgrounds and values of the communities that we serve and the world in which we live;
- ◆ Open communication exists and differences can be freely discussed and respected;
- ◆ All categories of staff, including management, as well as governing and advisory boards significantly reflect the variety of the client communities served by our offices;
- ◆ The uniqueness and individuality of clients and staff are appreciated and valued, and people are universally treated with respect.

STATEWIDE DIVERSITY COALITION QUESTIONNAIRE

In an attempt to address the needs and concerns of ALL staff, the Statewide Diversity Coalition has developed this confidential, anonymous questionnaire to assist the implementation of mechanisms to make everyone's work environment safer, more comfortable and productive.

A. Please circle the correct responses for the following categories.

<u>Job Title:</u>	Management/Attorney	Management/Support Staff	Attorney	Support Staff	Exempt
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Race/Ethnicity: Black White Latino/a Asian Native American Other

Religion:

Age: 18-24 25-34 35-50 50+

Sex: Male Female

Sexual Orientation: Heterosexual Homosexual Bi-Sexual

<u>Disability:</u>	Physical	Mental	Both	N/A
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Income: \$10,000-24,000 \$25,000-39,000 \$39,000-50,000 \$60,000+

B. Please rate the following statements: Either True or False or as follows:

1 = Always 2 = Most always 3 = Sometimes 4 = Rarely 5 = Never

1. My concern/s fears/suggestions are taken seriously by management.
2. My concerns/fears/suggestions are taken seriously by my peers.
3. Will there be any retaliation if I express my concerns/fears/suggestions to management?
4. Will there be any retaliation if I express my concerns/fears/suggestions to my peers?
5. Everyone in my office is held equally accountable for their actions.
6. Everyone in my office is held to the same standard of discipline.
7. Everyone's accomplishments are equally recognized.

8. Attorneys/support staff in my office are sensitive to my position as supervisor/management.
9. I am taken seriously as a supervisor/manager.
10. I wonder if certain treatment, positive or negative, is due to color, race, sex, age, religion, sexual orientation, job title, disability, class or status.
11. My office would benefit from sensitivity training. True____ False____
12. My office would benefit from more regularly scheduled office meetings.
True____ False____
13. I would like to see a diversity committee formed in my office.
True____ False____
14. If a diversity committee were formed in my office, I would be interested in joining it.
True____ False____
15. If a diversity committee were formed in my office and I had a diversity issue, I would feel comfortable utilizing this committee.
True____ False____ Not sure____
16. With regard to diversity issues, my work environment is stress-free.
True____ False____
17. I have discussed a diversity issue(s) with management.
18. I have discussed a diversity issue(s) with my peer(s).
19. I would feel comfortable raising a diversity issue(s) with management.
20. I would feel comfortable raising a diversity issue(s) with my peers.
21. I am satisfied with how my concerns have been handled in my office.
22. Promotional practices in my office are fair.
23. Hiring practices in my office are fair.
24. Leaves of absence are reviewed equally in my office.
25. I get along with most everyone in my office.

26. I feel a sense of belonging in my office.
27. I feel a sense of inclusion in my office.
28. Everyone gets along in my office.
29. Failure to effectively address diversity issues adversely affects morale in my office.
30. While all diversity issues are important, please rank the top three (1st, 2nd & 3rd) you think are the most important to address:

age_____ diversity_____ ethnicity_____ race_____ religion_____
sexual orientation_____ gender _____

C. Please give a brief response to the following questions.

1. What mechanisms, if any, do you feel need to be in place in your office in order for you to comfortably discuss diversity issues?
2. How can management, staff and programs be best equipped to handle diversity issues?
3. What is your main concern about the environment in your office (negative or positive)?
4. What, if anything, would you most like to see changed in your office?
5. What is the most positive aspect of your work environment?
6. What is the most negative aspect of your work environment?
7. What would like the function of an in-office diversity committee to be?
8. Would you be interested in being a part of your office's diversity committee?
Why or why not?

Please feel free to write any comments, questions or suggestions in the space below. Thank you for your time.

Innovation Description

Program Name: Asian Pacific American Legal Center (“APALC”)
Address: 1145 Wilshire Blvd, 2nd Floor, Los Angeles, CA 90017
Phone: (213) 977-7500
Fax: (213) 977-7595
Email: jstone@apalc.org
Program Director: Stewart Kwoh, ext. 226
Contact Person: Juliet Stone, ext. 344
Subject Area: Asian Language Centralized Intake System
Project Title: Asian Language Legal Intake Program (“ALLIP”)

A. Problem:

The project’s mission is to increase access to justice for monolingual Asian Pacific Islanders (“APIs”) through the use of a centralized intake system. ALLIP was conceived and ultimately created out of the stark disparity between the growing need for legal services and education among Asian communities in Southern California, and the actual provision of such services. *See the attached flowchart for a summary of the ALLIP intake system.* While nearly 20% of API’s who live in Los Angeles and Orange County live in poverty, less than half of those eligible for assistance from legal aid organizations actually seek help. This disparity is due largely to cultural barriers and the lack of legal assistance available, that is both language appropriate and culturally sensitive.

B. Innovation:

APALC partnered with three Legal Service Corporation (“LSC”) funded agencies in Southern California to form a centralized intake and referral system to provide culturally sensitive in-language assistance to the underserved low income monolingual Chinese (Mandarin and Cantonese) and Vietnamese communities. The innovation should allow the staff of the four partner agencies more time to devote to actual client representation.

A client calls one of two toll-free hotlines housed in the APALC offices staffed by law students, paralegals and attorneys. An intake will be taken using a database designed specifically for this project. All of the information needed to determine the appropriate counsel and advice as well as whether the case is appropriate for referral to one of the four partner agencies is collected at this time. ALLIP advocates are trained to give counsel and advice and referrals in the following areas of law: immigration, family, public benefits, consumer, housing and employment. In addition, ALLIP assists clients with most other legitimate client concerns. The monolingual API

community does not have the same access to social or business services as English and Spanish speaking clients. Thus they often need help with non-traditional or only tangentially legally related topics. Approximately 87% of intakes are closed after an advocate gives counsel and advice, or brief service and/or referral to the appropriate Community Based Organization or Social Service Provider. We have created a manual and a resource list specific to the API community in Southern California. If a case is ripe for representation it will be referred based on agreed-upon case acceptance criteria and geography. The basic intake and subject area questionnaire filled out by the ALLIP advocate will then be forwarded to the referral partner and integrated into the respective agency's intake system.

C. Result:

We began accepting calls in May of 2002 and have received over 4000 phone calls, which resulted in over 700 intakes and nearly 100 referred cases. The need for this service is so great that we have received calls from all over the country. The general sense is that there are no legal services available to monolingual API's in the vast majority of communities across the country and we are often their only option (we offer counsel and advice on immigration matters since it is federal law and give only community education and referral information to clients outside of our service area). Though there is still much to be done, this project has helped to increase access to legal and social services for monolingual API's in Southern California.

D. Replication:

This innovation can be replicated in other areas and with other languages. One caution is to allow ample time for planning and ramp-up before the actual project is fully functioning. The supervising attorney, Juliet Stone, is happy to make herself available to any organization which may have questions or need help formulating a similar project.

E. Materials Available:

Advertisements in Vietnamese, Mandarin, and English; ALLIP First Year Workplan; ALLIP Basics & Technology; and the Process Flowchart. Copies of sample scripts and questionnaires are available from APALC. Copies of the training material can be made available on a discretionary basis. Please call if you have questions.

Asian Language Legal Intake Program Advertisement (Vietnamese)

Bạn có muốn được câu trả lời về những vấn đề liên quan đến luật pháp mà bạn có thể hiểu hay không?

Trung Tâm Dịch Vụ
Luật Pháp Dành Cho Người Á Đông
(Asian Pacific American Legal Center)
cùng cộng tác với Tổ Chức Trợ Giúp Tư Vấn Pháp
Lý Quận Los Angeles
(Legal Aid Foundation of Los Angeles),
Trung Tâm Dịch Vụ Luật Pháp Khu Vực
(Neighborhood Legal Services) và
Tổ Chức Trợ Giúp Tư Vấn Pháp Lý Quận Cam
(Legal Aid Society of Orange)
có mặt ở đây để giúp đỡ bạn với tất cả các câu
hỏi của bạn về những
vấn đề như sau:

Gia Đình

- Ly Dị
- Quyền Giữ và Nuôi Con
- Quyền Phụ Tử
- Bảo Vệ Trong Gia Đình

Trợ Cấp Xã Hội

- CalWorks: Trợ Cấp Tiền Mạt
- Food Stamps: Phiếu Trợ Cấp Thực Phẩm
- MediCal: Trợ Cấp y Tế
- SSI: Trợ Cấp An Sinh Xã Hội

Luật Lao Động và Việc Làm

- Quyền Lợi Bảo Hiểm Thất Nghiệp
- Yêu Sách về Lương Bổng

Luật Di Trú

- Nhập Tịch
- Adjustment: Điều Chính Tình Trạng Di Trú
- VAWA: Đạo Luật Cấm Hành Hung Phạt Phụ Nữ

Luật Chủ Phố

- Đuổi Nhà
- Tình Trạng Nhà Có Thể ở Được,
Sự Yên Tĩnh và Sự Hưởng Thụ Của
Người Ở Thuê

Luật Người Tiêu Dùng

- Luật Thu Nợ
- Sự Lừa Đoke

Chương Trình Trợ Giúp Pháp Lý Bằng Ngôn Ngữ Á Châu
Chuyên cung cấp dịch vụ luật pháp miễn phí cho những người
có lợi tức thấp và chỉ biết nói tiếng Việt và tiếng Quang Thoại

Xin gọi đường dây điện thoại đặc biệt để được giúp đỡ:
Thứ Hai, Thứ Tư và Thứ Sáu, 9:30 AM - 12:30 PM và 1:30 PM - 4:30 PM
Thứ Ba và Thứ Năm, 9:30 AM - 12:30 PM

☎ 1-800-267-7395 Tiếng Việt
☎ 1-800-520-2356 Tiếng Quang Thoại
(Mandarin)

Asian Language Legal Intake Program Advertisement (Mandarin)

您需要法律協助嗎?

亞太美法律中心

(Asian Pacific American Legal Center)

和

**Legal Aid Foundation of Los Angeles,
Neighborhood Legal Services and
Legal Aid Society of Orange County**

能幫助您解決以下問題：

家庭狀況
離婚
監護權
親生父母權
家庭暴力

租戶居住權
維修要求權
應付驅逐令

消費權
應付偽證
債務追討法

社會福利
CalWorks
食物券
醫療保險
社會安全卡

移民
歸化適應/居留權
家庭暴力受害者權益

就業
失業福利
工資追討

為低收入與英語不便之亞洲移民提供免費服務

熱線電話 : 1-800-520-2356

星期一、三、五: 9:30 a.m.-12:30 p.m. and 1:30 p.m.-4:30 p.m. 星期二、四: 9:30 a.m. -12:30 p.m.

一切資料絕對保密

(Chinese Version)

Asian Language Legal Intake Program Advertisement (English)

Want Legal Answers That You Can Understand?*

Asian Pacific American Legal Center
in partnership with
Legal Aid Foundation of Los Angeles,
Neighborhood Legal Services, and
Legal Aid Society of Orange County
are here to help you with all
your questions
concerning:

Family

- Divorce
- Custody
- Paternity
- Domestic Violence

Public Benefits

- CalWorks
- Food Stamps
- Medical
- Social Security

Immigration

- Naturalization
- Adjustments
- VAWA

Housing


- Evictions
- Habitability

Employment

- Wage Claims
- Unemployment Benefits

Consumer



- Debt Collection
- Fraud Issues



Providing FREE legal services for low-income
monolingual Asian Pacific Islanders

Call our **HOTLINE** numbers for help

Mon/Wed/Fri 9:30 AM - 12:30 PM & 1:30 PM - 4:30 PM
Tues/Thurs 9:30 a.m. to 12:30 p.m.
(All Information is Confidential)

 1-800-520-2356 Mandarin
 1-800-267-7395 Vietnamese

*Call the Asian Language Legal Intake Program (ALLIP)

Asian Language Legal Intake Program (ALLIP)
Goals and Objectives – The Workplan 2002 [Updated]

Staff Composition

Juliet Stone, Supervising Attorney

Anita Le, Vietnamese Staff Attorney (60% time) – started 6/3/02

Li-Ling Wang, Mandarin Paralegal –started 4/1/02

Stewart Chang, APALC Staff Attorney (when needed)

Wanda Wang, APALC Paralegal (when needed)

Chau Diep, APALC Paralegal (when needed)

To be hired as needed

--Law Students (1800 hours)

--during the summer employed 2 students full time, 1 half time

Mission

Our mission is to increase the access to legal services for monolingual APIs through the use of a centralized intake system. See the attached flowchart for a summary of the ALLIP intake system.

Goals for the First Year (all completed)

- 1) To hire the requisite staff listed above.
- 2) To create training materials and conduct trainings.
- 3) To create checklists, scripts, question & answer sheets for each area of law.
- 4) To open the Hotline. [May 1, 2002]
- 5) To conduct community outreach to the Chinese and Vietnamese communities and create client handouts in the requisite languages.
- 6) To recruit volunteer attorneys and law students.
- 7) To implement, refine and modify existing project flow, database and phone system.
- 8) Continue to foster the existing collaborative atmosphere among APALC, LAFLA, NLS, and LASOC through joint outreach and training.

The Plan

Hiring

ALLIP is fully staffed for the start up period. We are continually recruiting law students for use when needed.

Training of Staff

A number of the unit directors from the 4 partner agencies have offered to assist in the training of the ALLIP staff, by leading training sessions and/or creating training materials.

A formal training schedule will be set up according to the strengths and weaknesses of the staff hired. The three staff members shared with Legal Services will be expected to complete an abbreviated training. All training sessions and material will be open to the entire APALC staff as well as the staff of the partner agencies increasing the collaborative nature of the project.

The depth to which each area of law will be covered will depend on a number of factors including, 1) the experience level of the staff, 2) the ease of use and thoroughness of the checklists/scripts created for the intake database, and 3) the types of questions which are ultimately asked on the Hotline. At this point the ease of use of the checklists/scripts and the quantity and nature of the calls, which will be seen on the Hotline, are only a best guess. Once a quantifiable number of calls have been taken the training regime can be finely tuned to respond to the demonstrated needs of the community. It is hoped that by the Fall the training systems and materials will be refined for actual experience. The training of the staff will be a continual process; there should be at least one substantive law training per month for the life of the project.

The training will include:

- A full day review of all substantive areas of law covered by the hotline (Public Benefits, Family, Housing, Immigration, Consumer and Employment), conducted by various attorneys from the partner organizations.
- Trainings on specific areas such as VAWA and Calworks
- On the job training at partner agencies to first observe intake and then be observed performing intake
- Trainings on specific areas of law will be scheduled based on changes in the law, requests from the staff and the demonstrated needs of the clientele.

[The formal training consisted of seven trainings of 2-4 hours each conducted over a three-week period in June of 2002. The trainings were well attended by staff and students of the four partner agencies as well as staff members of a number of local community based organizations.]

Questionnaires & Scripts (“Materials”)

The vast majority of questionnaires and scripts have been prepared or are in the process of being refined by the members of each group. The materials created will be used as an integral part of the intake process to assist each advocate in the diagnosis of legal problems and the best counsel and advice to offer under the

circumstances. The Materials will act as a vital source of information and backup to the each advocate's training. The Materials will be integrated into the intake database to help assure that each client receives the same optimal level of service. This also should assist in the creation of case profiles with less room for human error (see Database section below).

The scripts main purpose is twofold, first to assist in the training of the advocates and equally important to act as a readily available source of information while conducting each intake. The scripts will be accessible via the intake database system as well as in hard copy at each workstation.

Opening ALLIP (the “Hotline”)

The Hotline will be opened for limited hours, probably 9:00 – 12:30, Monday thru Friday as soon as the following has been completed:

1. The demolition of the intake area is completed (DONE),
2. The installation of the furniture (DONE),
3. The installation and testing of the phone systems (DONE),
4. The installation and testing of the Intake Database (DONE),
5. The hiring of at least two members of the new ALLIP staff (DONE),
6. The training of the entire staff (DONE),
7. The refinement of all Materials (DONE).

The Hotline will be opened for limited hours for the first few months (“Initial Test Period”) to allow time for refinement and modification of process flows and Materials as well as the training of the staff. Once the Initial Test Period is complete, outreach will be started and the hours will be augmented to account for the larger call volume. By the middle of summer [Mid-June] the Hotline should be operating according to the following schedule:

- Monday, Wednesday and Friday, 9:30 – 12:30, 1:30 – 4:30
- Tuesday and Thursday: 9:30 – 12:30

This schedule will allow for clients to call during their lunch breaks while still allowing advocates a chance to handle paperwork and other administrative tasks. The line will close early on two days a week to allow for staff meetings and training sessions. [in practical terms the hotlines are opened Monday – Friday, 9:00 AM – 5:00 PM]

Community Outreach

ALLIP is mandated by its grants and required by the very nature of the project to perform community outreach in the Mandarin and Vietnamese communities. The Initial Test Period will be used to research the best initial avenues in each community, create materials to conduct outreach, and set up meetings with community based organizations (“CBOs) and press outlets. Due to the importance of creating trust in our mission and our ability to effectively help the community it is imperative to be sensitive to the social norms of each community; to this end, I am recruiting a staff with not only legal abilities but also ties to the community and presentation skills.

The Mandarin speaking Chinese community has an established network of CBOs as well as both written and radio press outlets. The Vietnamese community, due to its more recent nature does not have as extensive a network of CBOs, though it does boast both written and radio press outlets. Due to the generosity of LASOC, we have been invited to speak on an AM/FM Vietnamese radio station for free.

In addition to outreach at CBOs and clinics in these specific API communities, ALLIP will also conduct outreach in the broader community. It is perhaps even more important that all major CBOs and public interest law organizations should be aware of our services since often they are completely unable to assist monolingual API clients. The potential clients that seek help at organizations with no ability to communicate with them will be most likely to not seek help again if they are not given assistance.

[We have conducted extensive outreach in both communities, using face to face meetings with potential clients and community based organizations, as well as the press (written, radio and television). During the fall we have extended our outreach in the Vietnamese community]

Volunteer Attorney and Law Student Recruitment

ALLIP has the budget to hire two full time law students during the summer and up to 4 law students at 10 hours a week for the six months following the summer. In order to extend the number of law student hours being spent with the ALLIP project it is our hope to offer each student a mix of law school clinical credit and salary. It may be possible to double the number of law student hours by this method. Due to the extensive nature of the training and the assumed inexperience of most law students, ALLIP will require at least a six-month commitment from all local law students.

Due to the number of areas of law covered and the extensive nature of the counsel and advice to be given the number of volunteer attorneys will likely be limited by the language requirements and the amount of training. The best way to recruit volunteers is to offer the incentive of knowledge, hands on experience and free MCLE if they complete the requisite number of hours. The training received through work on the line would be invaluable to a sole practitioner or attorney in a small firm.

ALLIP has already placed ads on numerous websites and in law school placement centers. In addition, volunteer attorneys are also being recruited through a joint effort with the other partner agencies. One law student has been hired and will work for 12 weeks during the summer. She speaks Mandarin and Vietnamese. Another Mandarin speaking law student was hired on a volunteer basis. A college student who speaks Mandarin and Cantonese was recruited to work part time during the summer.

[During the fall we hired one Vietnamese speaking law student, one Cantonese speaking law student and one graduate student fluent in both Mandarin and Cantonese. Each student has committed to working through the Spring of 2003]

Technology and Process Flow

ALLIP is still in the course of developing our Intake database system. As discussed above the Materials created to simplify and better the intake process will be integrated into the database system. This will allow an advocate to focus on the client's needs rather than the difficulty of taking down all of their information. Much of the basic legal intake and basic counsel and advice will be imported into the intake form via this

system. The advocate will be able to modify such intake and add all other pertinent information. This system will drastically reduce the number of errors made by advocates forgetting to ask a necessary question or being unable to recall all of the relevant information taken or given out.

The Process Flow of the ALLIP system is shown in the attached flow chart. The flow of information and systems is ever changing and will probably take at least six months to refine. Part of this process will be assisted by an outside consultant who will aid in the creation of a Best Practices Manual (an OSI grant requirement). For instance, the phone system will be able to transfer calls directly to the partner agencies, however, at this time, other than questions regarding health care; no calls will be directly transferred. This decision was made to allow the other agencies to perform a conflicts check within their own system and make a decision as to whether they are able to fully assist the client referred.

Fostering Collaborative Efforts

The first month of my tenure as Supervising Attorney was spent at the facilities of the partner agencies meeting the attorneys and paralegals involved in making ALLIP a reality. For the most part I have been greeted with generosity of spirit and concrete help and suggestions. The staffs that will handle the referrals for representation or further counsel and advice, are excited about the project and the possibilities created by ALLIP. To continue these feelings of goodwill and collaboration, it is my goal to involve all pertinent staff members in any decisions of note that could affect them. Empowering them by making them part of the process will lead to further investment in ALLIP and a more smoothly run program.

In addition, we will continue to have quarterly meetings with each group, plan training sessions that involve all the partner agencies and I personally will also make visits to each partner agency to ensure that I am abreast of any changes in their policy or staff. All partner agencies are mandated to perform outreach for the ALLIP program; it is my hope that much of this outreach can be done together, *i.e.*, attendance at clinics run by LAFLA.

Quarterly Timeline

<p>Winter [all complete]</p> <ul style="list-style-type: none">• Finish technical systems (phones, intake database)• Set up office• Hire Staff• Start Creation of Training Resources• Create Materials	<p>Summer [all complete, except noted]</p> <ul style="list-style-type: none">• Train Law Students• Integrate Law Students• Continue Training Process• Begin Outreach• Expand Hotline Hours• Refine Materials and Process Flow• Start Best Practices Manual [put off till the end of the year]
<p>Spring [all complete]</p> <ul style="list-style-type: none">• Start Hotline for Initial Test Period• Refine technical systems• Recruit Law Students• Refine Training Resources• Implement Training of Staff• Refine Materials and Process Flow• Research/Create Outreach Materials	<p>Fall [all in process]</p> <ul style="list-style-type: none">• Continue and Expand Outreach efforts• Refine Materials and Process Flow• Finish Best Practices Manual [put off]• Prepare Final Grant Reports

ALLIP BASICS & TECHNOLOGY

The Asian Language Legal Intake Program (ALLIP) is a collaborative effort among APALC, LAFLA, NLS and LASOC. The purpose of the program is to increase access to justice for monolingual API peoples by centralizing the intake and referral process in Los Angeles and Orange County. ALLIP will cover six areas of law (Immigration, Family, Public Benefits, Housing, Employment and Consumer)

Each partner has committed to hiring staff fluent in the base languages (Mandarin, Cantonese and Vietnamese). The hiring of the requisite staff at the other legal aids has been nearly completed.

ALLIP has created a database, which will implement the best practices of all four legal aids. Teams made up of staff from each partner organization for each area of law reviewed and created materials for use in the database (questionnaires and scripts).

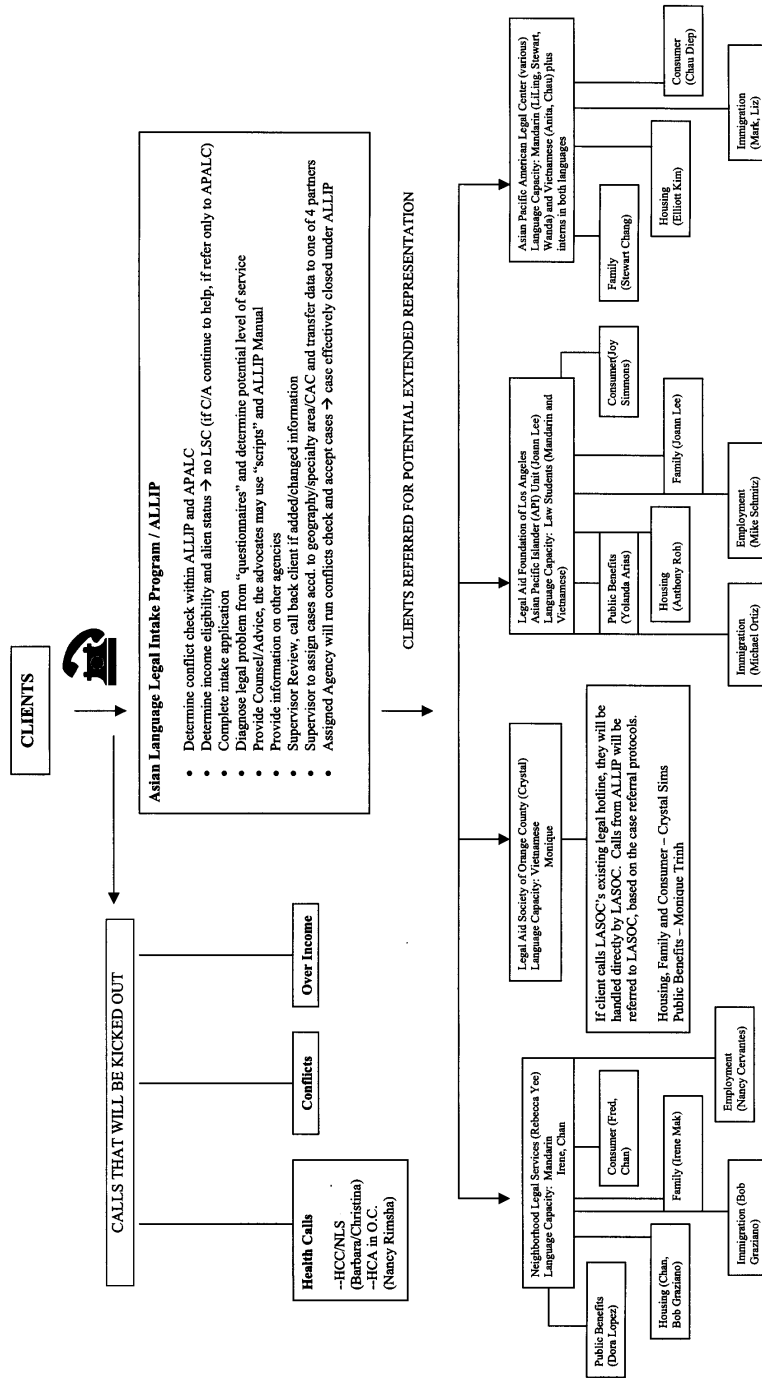
THE DATABASE

- Will be housed at a server at the APALC offices
- Will be accessible via the internet, though each partner organization will be able to access only cases assigned to them after a conflict check within their organization has been run
- Each client file will have extensive intake with most of the information that will be needed to proceed on the case already included. Thus easing the process and assisting attorneys that may not have the requisite language capability.
- ALLIP applied technology to create a user friendly and more full proof intake system.
 - Questionnaires created by the Teams are built into the database system
 - Questionnaires can be modified by the supervisor
 - The database is capable of converting raw information into an interactive questionnaires (e.g., if answer yes to question #4 go directly to question #7 and give this sort of advice, but if answer no then continue with questionnaire.
 - The information collected with each questionnaire will be imported with the final intake form, eliminating the need to re-type info
 - Information from scripts on specific topics will be in a format which allows the advocate to cut and paste the advice into the final intake form
- Once the advocate has completed the intake, the ALLIP supervisor will review it for accuracy, completeness and to determine whether further representation is warranted.
- If referral for representation is appropriate the supervisor will look at geography, specialty areas and the case acceptance criteria for that area of law and assign the case to one of the four partner agencies.
- After running a conflict check the attorney accepting the referral will be given access to the ALLIP database for that client
- Each partner agency will have the ability to integrate the ALLIP information into their respective data

PHONE SYSTEM

- We have connected the four partner agencies with T1 cards and each now have voiceover IP capabilities. This lowers the monthly service costs as well as eliminating the price per minute charges on transferred calls.
- At this point very few calls will be directly transferred to one of the partner agencies due to the conflict check procedure.
- All health calls will be transferred to one of two health hotlines

Asian Language Legal Intake Program Flow Chart



Innovation Description

Program Name: Legal Assistance Corporation of Central Massachusetts

Address: 405 Main Street, Worcester, MA 01608

Phone: 508-752-3718

Fax: 508-752-5918

Email: rnasdor@laccm.org

Program Director: Robert Nasdor

Contact Person: Robert Nasdor

Subject Area: Landlord/Tenant Law

Project Title: LiveJustice

A. Problem:

The project is designed to increase access to legal help for low-income tenants. Most low-income households in need of legal help are unable to obtain a lawyer because they cannot afford one, and legal services programs do not have the resources to meet the need. Most landlords who bring eviction cases in Worcester County are represented by a lawyer while most tenants are not. Not surprisingly, most cases result in the tenants being evicted. Many tenants are not aware of their right to raise defenses and end up losing cases they might have won if they had legal help.

B. Innovation:

LiveJustice, a project funded by the Technology Opportunities Program at the Department of Commerce, is an interactive website designed to provide low-income tenants facing eviction or living in substandard housing with ready access to legal assistance. Through LiveJustice, tenants and social services agency workers can consult with an attorney or trained paralegal who can provide live legal assistance online. Legal advocates and their clients will be able to simultaneously engage in conversation and share documents and forms through the use of a standard web browser. LiveJustice also has a searchable online knowledgebase that stores answers to common tenant questions. LiveJustice will act as a virtual front door to Legal Assistance Corporation of Central Massachusetts. Tenants can get legal advice and basic services from the advocate online. If they need continued representation, they will be referred to a lawyer for full representation.

C. Result:

LiveJustice will attempt to improve the timeliness, increase the quality, and reduce the cost of providing legal services to tenants. Our objectives are to increase the number of tenants who maintain possession of their tenancies, improve the living conditions of tenants maintaining possession of their tenancies, and provide a more accessible and convenient means of obtaining legal services.

D. Replication:

LiveJustice could be expanded to allow clients in other service areas to obtain live legal help. In addition, the LiveJustice knowledgebase could be available to other service areas as a single point of access for answers to common legal questions.

E. Materials Available:

Our TOP grant application, privacy policy, marketing plan, marketing materials, and evaluation materials are available upon request.



LiveJustice

A project of Legal Assistance Corporation of Central Massachusetts

Information Sheet

The Problem

Most low-income households in need of legal help are unable to obtain a lawyer because they cannot afford one, and legal services programs do not have the resources to meet the need.

- Over half of the landlords who bring eviction cases in the Worcester Housing Court are represented by a lawyer, while only a fraction of tenants have representation. Not surprisingly, landlords overwhelmingly win the right to evict their tenants.
- Massachusetts landlord-tenant laws allow a tenant to prevail in certain eviction cases by raising claims based on a landlord's failure to repair defective conditions or other landlord behavior. Most tenants do not know of their rights to raise such claims, and many end up losing eviction cases that they could have won had they had timely access to legal information and assistance.

The Solution

LiveJustice is an interactive website designed to provide low-income tenants facing eviction or living in substandard housing with ready access to legal assistance. Through LiveJustice, tenants and social services agency workers can consult with an attorney or trained paralegal who can provide live legal assistance online. Legal advocates and their clients will be able to simultaneously engage in conversation and share documents and forms through the use of a standard web browser.

The primary features of LiveJustice:

- **Full service:** LiveJustice is a virtual front door to Legal Assistance Corporation of Central Massachusetts (LACCM). Tenants can get help from the Web site for simple problems. If they need continued representation, they will be referred to a lawyer at LACCM for full representation.
- **Live:** Instead of leaving a message and waiting for a return call or sending an email and waiting for a reply, tenants can talk to an advocate live and get immediate help with their problem.
- **Form sharing:** Tenants and advocates can fill out important court forms and other documents online. Tenants will be able to print out these documents and use them to help with their case.
- **Cobrowsing:** Tenants and advocates can browse Web pages together. The advocate can show the tenant a Web page that contains the answer to the tenant's questions. The tenant can read the answer, ask follow up questions, print it out, and email it.

- **Searchable knowledgebase:** Our more than 250 answers to common tenant questions are stored in a searchable knowledgebase. The knowledgebase keeps track of the most requested documents and prioritizes the documents based on this information.

Objectives

LiveJustice will attempt to improve the timeliness, increase the quality, and reduce the cost of providing legal services to tenants. Our objectives are to:

- Increase the number of tenants who maintain possession of their tenancies and increase the amount of time that tenants are able to maintain their tenancies
- Improve the living conditions of tenants maintaining possession of their tenancies
- Provide a more accessible and convenient means of obtaining legal services

Funding

LiveJustice is made possible in part by a grant from the Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce. The grant, which is designed to fund innovative uses of technology designed to bridge the digital divide, provides funding for three years.

Partners

Legal Assistance Corporation of Central Massachusetts has worked with two other agencies to create LiveJustice--Neighborhood Legal Services (NLS) and Massachusetts Law Reform Institute (MLRI). Neighborhood Legal Services, based in Lynn, Massachusetts provides a wide range of services to low-income and elderly households. MLRI is state support center staffed by advocates who are experts in advocacy on behalf of individual and group clients, and in monitoring and working on issues in the judicial, administrative, and legislative arenas. We have worked with NLS and MLRI to create more than 250 questions and answers dealing common tenant problems. Advocates can use this information to provide advice to tenants.

Implementation

This is a three year project. The first year of the project is devoted to the development stage. Milestones accomplished during this period include, hiring a project manager, designing the Web site, contracting with the technology providers, and writing the content. The Web site will launch early in the second year after a test of system with social service agencies and clients. The second and third year will be devoted to providing advice and evaluating the results.

- **Client Internet access:** An increasing number of clients have computers in their home--especially if they work. Clients who do not have home computers may use public Internet access points, such as libraries or senior centers. We will be doing outreach to these Internet access points to let people know about the service. In addition, social service agencies can provide Internet access to tenants or use the site on the tenant's behalf.
- **Marketing:** We have a number of different marketing strategies. We will be sending out postcards to every tenant who has received an eviction notice. We will be placing ads in buses, hanging posters in public places, and putting advertisements on the radio and cable television. We will be reaching out to social service agencies that serve the tenant population. We will provide them with brochures, posters,

and mousepads. We will be going to libraries to discuss the Web site with librarians. We will provide libraries with brochures, posters, and mousepads.

- **Technology:** By design, LiveJustice requires minimal support for clients because access depends solely on the ability of clients to obtain access to the Internet through a standard Web browser. No special training is required to use the system and there is no need for remote hardware or software support. We have contracted with two application service providers. White Pajama hosts our chat and cobrowsing functionality. RightNow Technologies hosts our knowledgebase.

Privacy

We insure the privacy of Web site users at all times, on all parts of the website, and in all interactions. We have a detailed privacy and security policy that requires that everyone with access to client information sign confidentiality agreements. The intake form is submitted over a secure server, and the chat is conducted on a secure server. Communications between clients and legal advocates through LiveJustice are confidential. Information collected through this program will be treated as privileged just as if the information had been obtained through an in-person consultation.

Evaluation

To evaluate the effectiveness of this interactive Internet technology on our ability to expand legal assistance to low-income households, we will conduct a project evaluation in partnership with the faculty and students at Worcester Polytechnic Institute (WPI). The evaluation of the project will be conducted in three phases:


- Phase 1 will be a usability test of the Web site in which a sample of human subjects will be asked to interact with the Web site and then complete a paper or email survey in which they evaluate the Web site design and content. Information collected during Phase 1 will be used to improve the Web site before its public release.
- Phase 2 will involve collecting historical information on the disposition of cases before the Worcester Housing Court. Information will be collected on such variables as eviction rates, whether tenant defendants obtained access to legal services, whether they were represented by counsel, whether they offered defenses or counterclaims, and whether they were successful. This information will serve as a baseline against which the impact of LiveJustice.org can be compared.
- Phase 3 will assess user experience and opinion during public use of the LiveJustice.org Web site. Members of the general public who have chosen to use the LiveJustice.org Web site and have agreed to be interviewed will be asked to evaluate their experience with the website. In addition, information on the disposition of any housing court cases in which LiveJustice users were involved will be collected from public records.

LiveJustice Homepage

Welcome to LiveJustice - Microsoft Internet Explorer


File Edit View Favorites Tools Help

Address <http://www.livejustice.org> Go



LiveJustice

Legal Assistance Corporation
of Central Massachusetts



Home Live Help Self Help About Us My Account

October 2, 2002


News Flash!

[Fewer Tenants are Eligible for Family Shelter](#)
The new budget has lowered the income eligibility for Emergency Assistance Family Shelter. Eligibility was lowered from 130% to 100% of the Federal Poverty line [More...](#)

[Poll shows support for affordable housing](#)
A poll of voters conducted for the National Low Income Housing Coalition shows that a majority think Congress should be spending money on affordable housing issues. [More...](#)

LiveJustice is dedicated to helping low-income residents of Worcester County with housing problems. Operated by Legal Assistance Corporation of Central Massachusetts, [LiveJustice](#) provides the legal information you need to help solve your landlord/tenant issue. The goal of this Web site is to provide tenants with better access to legal information and support and to enable tenants to keep their tenancies and improve their living conditions.


Get Legal Help Now



Talk to an attorney or paralegal about your housing problem. Your legal advocate may be able to:

1. Give you advice
2. Tell you the steps you need to take to solve your legal problem
3. Help you fill out forms
4. Help you find additional legal representation, if necessary

Search On My Own



We offer a number of ways to find helpful information and resources about housing issues.

1. Look in our legal library
2. Learn about the court system
3. Find out where to go for help online
4. Get addresses and contact information


Internet

LiveJustice Intake Form

LACCM Intake Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <https://www.livejustice.org/cgi-bin/intake.cgi> Go



LiveJustice

Legal Assistance Corporation
of Central Massachusetts

Home Live Help Self Help About Us My Account October 2, 2002

Returning Clients

If you have used Live Help before, [click here](#) to log in.

New Clients

Live Help is a service offered by LiveJustice. Fill out the information below to chat online with a legal advocate about your housing problem. The advocate may be able to:

- give you advice,
- tell you the steps you need to take to solve your legal problem,
- help you fill out forms, and
- help you find additional legal representation, if necessary.

To receive this service:

- You must be a resident of Worcester County, Massachusetts
- You must be low-income or age 60 or older (See [eligibility guidelines](#))

Live Help is available from 9am to 1pm on Monday, Wednesday, and Friday and from 3pm until 7pm on Tuesday and Thursday.

The information you provide us is kept strictly confidential. We do not sell or trade the personal information you give us or use it for any reason other than to provide you with help. ([Why do we need this information?](#))

First Name: *	<input type="text"/>
Last Name: *	<input type="text"/>
Your Maiden Name:	<input type="text"/>
Address, Line 1: *	<input type="text"/>

LACCM Intake Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help


Address <https://www.livejustice.org/cgi-bin/intake.cgi> Go

Address, Line 2:	<input type="text"/>
City: *	<input type="text"/> State: MA
Zip: *	<input type="text"/>
Email Address:	<input type="text"/>
Phone:	<input type="text"/>
Social Security Number:	<input type="text"/>
Birth Date: *	-Choose One- -Choose One- -Choose One-
Gender: *	-Choose One- Race: -Choose One-
Primary Language:	<input type="text"/>
Choose Your Password: *	<input type="text"/>
Between 6 and 12 characters	
Confirm Password: *	<input type="text"/>
Opposing Party (For example, your landlord's name or Worcester Housing Authority): *	
<input type="text"/>	
Number of People in Household: *	-Choose One-
Household Income, After Taxes: *	\$ <input type="text"/> -Choose One-
Total Household Savings (For example: bank accounts, CDs, stocks and bonds): *	\$ <input type="text"/>
I hereby certify that the information contained in this Application for Services is true to the best of my knowledge. I understand that if I have knowingly submitted false information in order to obtain services to which I am not entitled, I may be subject to punishment or other civil liability.	
<input type="button" value="Submit"/>	

Live Justice Cobrowsing Session

Support Center - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address  https://www.whitepi.net/SC/sc_center.php?function=sc_chat_entry&tenant=LACCM&queue_id=LACCM~~queue~~chat~~101&channel=1 Go

and me. Yes.

MayaBazar: On the right hand side of your screen, you will see me searching for the answer to your question. You do not need to do anything.

MayaBazar: Please read the information in the window on the right hand side of your screen and let me know if you have any questions. Use the scroll bars around the window to see all the information in the page.

Clear Log Save Log

Finish


Your Message:


Send

Address: <http://livejustice.custhelp.com/cgi-bin/livejustice.cf> Go Back Forward

Status: Co-browsing session has started!



Area of Law Housing Eviction	I got a notice to quit (an eviction notice). Do I have to move out?
Language English	Question I got a notice to quit (an eviction notice). Do I have to move out?
Date Updated 09/13/2002 11:55 AM	Answer No. Receiving a notice to quit is only the first stage of an eviction process. You are not required to move by the date on the notice. The purpose of a notice to quit is to give you warning that a landlord wants to evict you. It does not allow your landlord to physically remove you from your apartment. Do not ignore a notice to quit. You may be able to work something out with your landlord. If the eviction is for non-payment of rent, you may be able to stop the eviction by paying

 **Print Answer**

 **E-mail Answer**

Requires MS Internet Explorer 5.0 or later. Cookies and Java must be enabled.

October 02, 2002 14:49

Done   Internet

Answer - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Answers Ask a Question My Stuff

Search Browse Related

Area of Law ⓘ
Housing
All Sub-Areas of Law

Language
English

Search Text (optional) Search Tips
locked out of apartment

Search

Search by
Phrases

Sort by
Default Sort

Powered by
RightNow

Area of Law
Housing
Eviction

Language
English

Date Updated
07/30/2002 10:02 AM

Print Answer

E-mail Answer

Can my landlord just lock me out of my apartment?

Question
Can my landlord just lock me out of my apartment?

Answer
No. In Massachusetts, it is illegal for a landlord to lock a tenant out without permission from a court. Some landlords who are eager to get their apartments back threaten to lock out tenants without going through the legal process. The only person who has the authority to tell you to leave is the judge. Landlords who attempt to evict tenants illegally and without a court order face serious punishment.

What you should do
If your landlord has locked you out of your apartment, you should call the police. Sometimes a few words from a police officer will make the landlord stop the illegal activity. If the police are reluctant to get involved, remind them that a lockout is a criminal offense.

In some cases, a better approach is going immediately to a court to ask for an emergency or temporary restraining order. A judge can order the landlord through a temporary restraining order to let you back into your apartment. You can ask for a temporary restraining order yourself at either a District Court or Housing Court in your area.

If your landlord has not yet locked you out, but is threatening to, and you believe that he or she is serious, you can also ask the court for a temporary restraining order telling the landlord not to lock you out. Tell the judge why you think the landlord's threat to lock you out is serious. The judge will not give you the order unless he or she believes that the landlord really intends to lock you out illegally.

Provided by
Legal Assistance Corporation of Central Massachusetts in partnership with Massachusetts Law Reform Institute and Neighborhood Legal Services and through a grant from the Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce.

How well did this answer your question?
☐ 100% ☐ 75% ☐ 50% ☐ 25% ☐ 0% Submit Rating

Back to Search Results

Internet

Innovation Description

Program Name: Neighborhood Legal Services of Los Angeles County

Address: 13327 Van Nuys Boulevard, Pacoima, CA 91331

Phone: (818) 834-7516

Fax: (818) 896-6674

Email: mmelden@nls-la.org

Program Director: Neal S. Dudovitz

Contact Person: Michele Melden

Subject Area: Health Access

Project Title: Health Consumer Center (HCC)

A. Problem:

Many low-income residents of Los Angeles County cannot ~~not~~ access quality health care due to language barriers, transportation barriers, and lack of knowledge of the resources available to them. In addition, the budget crisis in Los Angeles County has resulted in the diminishing capacity of the "safety net" health care providers to provide services to low-income residents of Los Angeles County.

B. Innovation:

In response, Neighborhood Legal Services (NLS) of Los Angeles County established the Health Consumer Center of Los Angeles (HCC) to improve access to quality health care for low-income individuals in Los Angeles. HCC is part of a collaborative called the "Health Consumer Alliance" which supports similar health consumer centers located in legal services programs in seven counties in California. HCC's mission is to eliminate and address barriers that prevent low-income people from receiving quality health care. HCC accomplishes this in a number of ways ranging from assisting individuals overcome language barriers and transportation problems to resolving problems with Medi-Cal, Healthy Families, and HMOs. The hotline enables customers to receive culturally sensitive advice and services in English, Spanish, Armenian, Khmer, Mandarin, and Vietnamese.

HCC also conducts outreach and education to ensure the center is serving diverse communities. Trainings are available for consumers to educate them about the availability of low and no-cost health care services and how to enforce health care rights. HCC also offers workshops and technical support for social service agencies and

community-based organizations. Recently, HCC received a contract to train county hospital financial screeners on how to identify patients eligible for the Medi-Cal and Healthy Families programs, thereby helping to maximize state and federal funding for services. This training effort also ensures that hospital screeners do not mistakenly or wrongfully prevent an eligible individual from receiving coverage for their medical treatment. HCC and its partner organizations put a priority on policy advocacy work at the local, state and federal levels to solve critical health care problems facing Los Angeles low-income communities. While HCC is committed to resolving health care access issues at all levels, HCC also realizes that impact policy work can make fundamental improvements in the health care delivery system. Consequently, all five HCC attorneys are involved to some degree in policy work and one attorney works full-time on policy issues. Consumer data is stored in a database which HCC attorneys reference to enhance their advocacy work.

C. Results:

HCC's hotline receives over 25,000 calls a year, which are handled by nine intake counselors who are supervised by attorneys. Over 90 percent of the problems are handled without direct attorney involvement and HCC closes roughly 5,000 cases a year.

D. Replication:

With dedicated staff and sufficient resources, this project can be replicated throughout the country.

E. Materials Available:

Attached is a HCC Fact Sheet. To learn more about this project, visit the Health Consumer Alliance Website at: www.healthconsumer.org.



Toll-Free: 800-896-3203
E-mail: hcc@hcc-la.org
Fax: 818-834-7552

FACT SHEET

The Health Consumer Center

The Health Consumer Center (HCC) is an independent consumer assistance program that helps low income residents of Los Angeles County to obtain quality health care from HMOs and other public and private health care providers. HCC's mission is to ensure that the consumer is aware of, utilizes, and is the beneficiary of all health care programs for which the consumer is eligible. In instances where barriers hinder consumers' ability to receive appropriate health care, HCC steps in to advocate on their behalf. Thus, through HCC's advocacy, community education/outreach, and policy development, HCC is centered around the needs of the consumer.

The Health Consumer Center is managed and operated by Neighborhood Legal Services of Los Angeles County (NLS) through a grant from the California Endowment. Neighborhood Legal Services has been assisting the community with legal concerns for over 30 years.

Who is Eligible for Help?

HCC helps low-income individuals and families throughout Los Angeles County. To be eligible for HCC services, a consumer's income can be up to 200% of the Federal Poverty Level guidelines. If the consumer's case requires other assistance beyond HCC's scope, HCC will make specific referrals to an appropriate agency that can better assist the client.

What type of individual problems can be referred to HCC?

Any problem a person or family has obtaining needed health care or finding a place to get medical care will receive immediate attention from the HCC Hotline. HCC will assist clients with eligibility issues for Medi-Cal, Healthy Families and other government health programs. In addition, HCC assists consumers who have difficulty obtaining medically necessary health care, referrals and medications from their HMOs. Consumers can also obtain assistance with medical debt collection problems.

HCC Hotline (800) 896 – 3203

The HCC Hotline has been operating since November 1998 and is staffed by ten (10) full-time counselors and one supervising attorney. The Hotline operates four days a week – Monday, Tuesday, Thursday and Friday from 9:00 a.m. to 4:30 p.m. HCC Counselors are bilingual in Spanish, Armenian, Khmer (Cambodian), and Mandarin, as well as French, Arabic, and Turkish. Consumers requiring other languages can be assisted by HCC through the help of the AT&T Language Line. In 1999, HCC's first full year of operation, the Hotline received more than 25,000 calls (averaging 2,000 calls/month) from people needing assistance in obtaining health care.

HCC Staff Are Available to Assist Community Organizations and Local Groups:

The Health Consumer Center regularly provides education and trainings for clients and agencies about HCC services, existing health care programs, and health care law that might affect the consumer. HCC engages in this outreach through direct presentations to consumers, participation in Health Fairs and Trainings, and the provision of technical assistance to CBO's. Recognizing the geographic, cultural, and linguistic diversity present in Los Angeles County, culturally-sensitive and appropriate outreach is provided, often in collaboration with CBOs with particular knowledge or credibility within these distinct communities. HCC is also involved in community forums to educate CBOs, health care providers and consumers on new immigration rulings that make it safe for immigrants to receive health care.

Some recent HCC cases include:

- A 30 yr old single mother of a 10 yr old child was unable to receive medical benefits because her Medi-Cal card was improperly coded. As a result, the 10 yr old child was not being treated for an ear infection. HCC filed a case complaint with the District Office and the card was recoded. The child saw a physician and received antibiotics for his infection the same day.
- A young couple with 3 children was improperly informed by the County Dept. of Public Social Services that if they had children born after welfare reform, they would lose all public assistance. As a result, the couple failed to apply for Medi-Cal for their 1-1/2 year old child who has not received routine check-ups or immunizations since birth. After calling HCC staff and learning about their rights, the couple has applied for Medi-Cal.

Innovation Description

Program Name: AARP

Address: 601 E Street NW
Washington, DC 20049

Phone: (202) 434-2098

Fax: (202) 434-6593

Email: grund@aarp.org

Program Director: Wayne Moore
Director of Advocacy Planning and Issues Management

Contact Person: Grayce Rund

Subject Area: Delivery System

Project Title: The Brief Services Unit

A. Problem:

Programs using hotlines notice that as many as 1/3 to 1/2 of the cases that cannot be resolved by the hotline are eventually closed with advice or brief services by legal aid staff advocates. Furthermore cases that are not resolved by hotlines often cannot be directly referred to volunteer lawyers without further development by staff.

B. Innovation:

We established a brief services unit which uses staff supervised non-attorney volunteers to resolve brief services cases that are not resolved by the hotline. It also develops extended services cases so that they can be referred directly to volunteer lawyers

C. Result:

Staff attorneys and paralegals spend more time on extended services cases. Brief services cases are resolved at a lower cost due to the use of volunteers. The brief services unit allows legal aid programs to effectively utilize non-attorney volunteers who are a plentiful resource. All cases, except emergencies, which cannot be resolved by the hotline, are now referred to the brief services unit. It closes brief services cases and develops and refers extended services cases to an in-house Volunteer Lawyers Project (VLP). Those cases that can't be referred by the VLP are transferred to in-house staff. Thus all cases are resolved in the following order, by the least expensive, effective unit (i.e. hotline first; then Brief Services Unit; then VLP, then staff are resource of final resort.)

D. Replication:

Programs can transfer a staff paralegal and attorney to create a brief services unit. They recruit and train non-attorney volunteers to do the “leg-work” on brief services cases (i.e. call for information, write for records, draft simple letters, etc). The attorney and paralegal do the legal work involved.

E. Materials Available:

See Wayne Moore, “A More Productive, More Versatile Legal Hotline Methodology,” *Management Information Exchange Journal* 15, No. 1 (Spring 2001) p. 3-11.

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A MORE PRODUCTIVE, MORE VERSATILE LEGAL HOTLINE METHODOLOGY

A New Concept in Delivery — The Brief Services Unit

*By Wayne Moore, Director
AARP Legal Advocacy Group*

We have been testing a new method of operating a centralized telephone intake and delivery system, also known as a legal hotline, legal advice line or legal help line. In this article I will use the terms legal advice line or advice line. We have been testing a method developed by a fee-for-service legal advice line, Tele-Lawyer, Inc., and have achieved impressive results. The new method increases productivity by 290% and cuts costs by almost one half. However, it requires most programs to divide their advice lines into two separate units: a legal advice unit and a brief services unit. This new brief services unit when combined with a program's private attorney involvement program has the potential to significantly improve the efficiency and productivity of a legal services program in much the same way as the original legal advice line concept did. The new methodology also may allow states to develop statewide or regional advice lines without sacrificing local program control and without displacing the local program's legal advice line.

Before discussing the new methodology and the proposed new brief services unit, a review of current advice line practices is required.

Current Advice Line Practices

At AARP, we operate two legal advice lines which are typical of the two types operated by most legal services and Senior Legal Hotline programs. The AARP Pennsylvania Legal Advice Line for Older Americans (hereinafter called PA advice line) was the first of its kind and began operations in 1985. It primarily provided legal information, legal advice and referrals. Few brief services were provided. The PA advice line was answered by intake workers who screened the callers for eligibility and forwarded eligible callers to advice line lawyers if they were available. The lawyers conducted the conflict check, determined whether the caller had to pay for the call, and collected any fees by credit card or check.¹ (Those with less than \$15,000 in

The new method increases productivity by 290% and cuts costs by almost one half. However, it requires most programs to divide their advice lines into two separate units: a legal advice unit and a brief services unit.

annual income received free services; others paid a \$15 flat fee per call). Otherwise the intake workers took the callers' names and telephone numbers for call backs by the legal advice lawyers. Most calls were handled on a call-back basis. A common variation of this model is to place the caller on hold until an attorney is available; in this variation the caller usually has the option of asking for a call back instead. In 1998, the PA advice line served 5,111 clients with 5,651 cases using 3,826 hours of paid attorney time (attorneys were part time employees). This resulted in an average of 45 minutes of attorney time for each client served. Or, stated another way, a full-time equivalent attorney served 2,146 clients each year (46² weeks @ 35 hours per week). However, not all of this time was spent talking with clients. Some time was spent on : (1) making call-backs to clients who weren't home; (2) entering case notes into the computer; and (3) conducting conflict checks, screening for and collecting fees, and performing other administrative tasks. We never measured the portion of the 45 minutes that was actually spent on the phone with clients. If the average beginning salaries for attorneys are \$25,600 and the median salaries are \$38,300³ with an average of 20% in fringe benefits, then attorney costs range from \$14.32 to \$21.42 per client served.

We also operate a legal advice line as the intake mechanism for our full-service legal services program for low-income seniors in DC called Legal Counsel for the Elderly (LCE). Incoming client calls to LCE are answered by an intake worker who performs a conflict check, screens for eligibility and refers ineligible callers to other resources. Eligible clients are served on a call-back basis by part-time attorney employees who provide legal information, legal advice, referrals, and brief services. These break down as follows: Information/advice — 42%; referrals — 24%; brief services — 22%; other — 12%. In 1998, 2,770 clients with 3,533 cases were served using 2,808 hours of paid attorney time and 300 hours of volunteer attorney time. This results in an average of 61 minutes of paid attorney time for each client served or 1,584 clients served per full-time equivalent paid attorney. Using the salary range described above, the attorney costs range from \$19.39 to \$29.02 for each client served. This higher cost is due to the additional time required to provide brief services such as writing a letter or making a phone call to resolve a problem.

New Legal Advice Methodology

In June, 1999, we began testing the new methodology. We closed the PA legal advice line office in Pittsburgh and entered into a contract with Tele-Lawyer, Inc. to operate the advice line using the methodology that they had developed over the years for their fee-for-service legal advice line. We use the same 800 telephone number but forward the calls to Nevada where Tele-Lawyer intake workers answer the calls, conduct conflict checks, and screen the callers using our eligibility criteria. We kept our old 800 number because it was well established in the Pennsylvania senior community. Once the caller is screened for conflicts and is found eligible for services, the intake worker forwards the call back to Pittsburgh where a legal advice lawyer handles the call, working from home. After the call is completed, the lawyer finishes the case notes and is ready to handle the next call. A significant change in methodology concerns how the lawyer is paid. He or she is only paid for the time he spent on the phone with the client plus three additional minutes for completing case notes. Another change is that we lease the telephone system instead of purchasing it. We thereby avoid the expense of hiring a consultant to help us select a system and owning a system that is likely to be obsolete in a few years. Also we are able to obtain 800 service at a lower rate (about 6 – 8¢ per minute). The last significant change is that no administrative tasks

are performed by the lawyer. Eligibility screening, conflict checking, call routing, call-backs, collection of fees, and collection and entry of client eligibility and demographic information into the database are performed by the intake workers.

The change in attorney costs is dramatic although we use the same lawyer as we did before the change. Formerly we used six part-time lawyers, each working an average of 13 hours per week to serve 102 clients. Now we use just one of these lawyers for an average of about 19 hours per week to serve an average of 74 clients. (Our call volume has decreased because we haven't been publicizing the service.) This increase in productivity results from a reduction in the time the attorney spends on administrative tasks and the fact that there is no paid down time. He spends an average of only 12.52 minutes on the phone with the client without any change in quality (i.e., the same attorney is serving the same clients). The attorney is paid as an independent contractor at about twice the rate as before (80¢ per minute or \$87,360 per year). Thus the attorney costs, including three extra minutes for case notes are \$12.42 per client served or about 1¼ times less than an attorney of comparable experience (27 years) under the former system. The cost is even less when one considers the reduction in overhead (e.g. rent, office supplies). Under this new system a full-time equivalent paid attorney can handle 7036 cases per year.

The new system operates primarily on a call-back basis. If an attorney is available, the intake worker screens the caller for eligibility, conducts a conflict check, and forwards the eligible caller to the attorney after entering the caller's demographic and eligibility information into the case management data base. (Tele-Lawyer uses a customized software based on Microsoft SQL server.) If, as is more likely, the attorney is not available, the intake worker records the caller's name and telephone number for a call-back. When the attorney is available (he calls the intake worker when he is ready to take a case), the intake worker calls the client back, conducts a conflict check, enters the demographic and eligibility information into the data base and forwards the caller to the attorney. The attorney makes written case notes and dictates the notes to the intake worker after the call is completed. The intake worker enters the notes into the computer as they are being dictated. In October 2000, the attorney will begin entering the case notes directly into the case management system which will be accessible over the Internet. Once a week the attorney reviews and edits

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all his case notes; the changes are entered into the database by the intake workers.

Even though the clients are served on a call-back basis, the goal is to call back within an hour or two of the client's original call. If the client is not reached the same day, one attempt is made the next day. If this is not successful, the call-backs are abandoned; however, the abandonment rate is fairly low (7 – 12%). Of course these abandoned callers are free to call back. It is the intake worker's opinion that if a caller is not reached the same day or early the next day, call-backs are unproductive.

The cost savings achieved by the new methodology primarily results from minimizing the down time of lawyers.

To make this methodology work, emphasis must be placed on quality control. Every case note must be reviewed by another experienced attorney who contacts the advice line attorney about any cases requiring corrective action. The advice line attorney is not paid for corrective action. However, the reviewing attorney checks the subsequent case notes to insure the corrective action was taken. The legal advice line attorneys also should be paid for periodic meetings with the reviewing attorney to go over new developments in the law and discuss cases that have necessitated corrective action. (This time was not included in the cost per call calculations above.) The advice line attorneys are sent periodic updates in the law (available from the AARP Legal Hotline Technical Assistance Project at www.equaljustice.org/hotline1) and given legal resource materials and community resource information which is updated regularly. (Some of this information also is available from the AARP Legal Hotline Technical Assistance Project at www.povertylaw.org or by calling (312) 263-3830.)

The cost savings achieved by the new methodology primarily results from minimizing the down time of the lawyers. Call-backs are made by the intake workers and not the lawyers. Entry of demographic and eligibility information into the database and conflict checking is also done by the intake workers. The system encourages the lawyers to record most of their case notes while talking to the client instead of waiting until after the call. Although the case notes are shorter, they must still be detailed enough to allow meaningful

review by the quality control attorney. Finally the attorney can arrange for materials to be sent to the client by entering a code into the database which tells the intake workers what materials to send. There is an increase in the time spent by intake workers. On average the intake worker spends six minutes per call including call-backs, screening, conflict checks, entering client information into the data base, collecting fees and entering case notes.

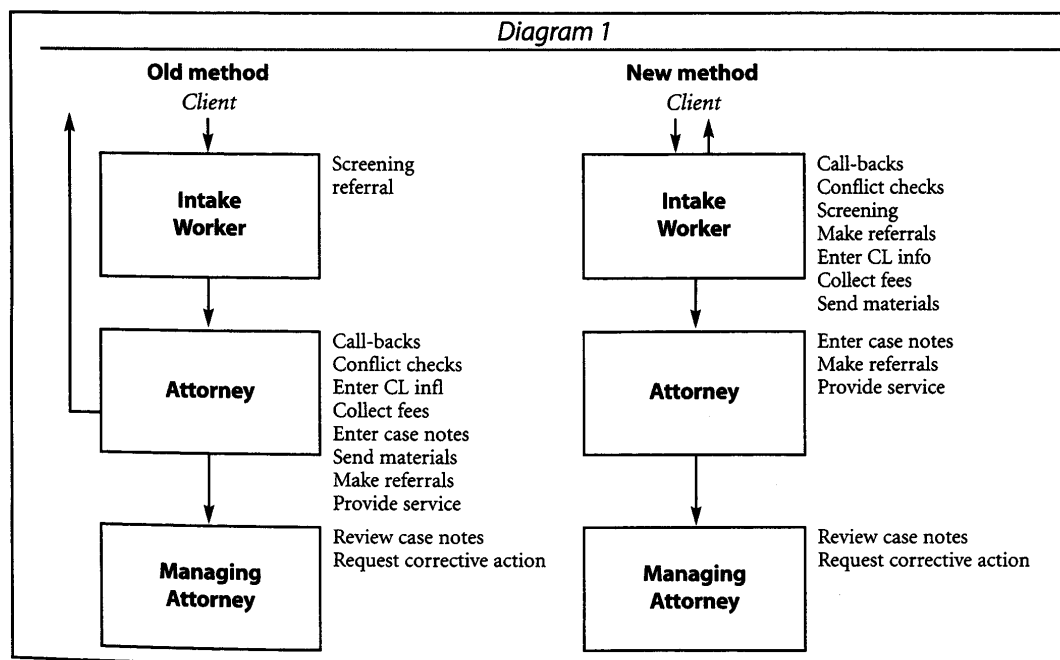
Another advantage of the new methodology is that there is no back-log of unreturned calls and no long client hold times. If the attorney is busy, the caller's name and telephone number are recorded by the intake worker for a call-back. This eliminates the long holding problems. Most call-backs are made within an hour of the initial call so that the clients are usually reached. As mentioned above, the percentage of call-backs where the client can not be reached is relatively low (7–12%). Since the attorneys are not paid for down time, the advice line can arrange to have back-up attorneys available to help with peak call periods without increasing the cost per call or overall cost. In fact the cost per call is less than with the prior methodology, in part, because fewer call-back attempts are needed to reach the clients.

Table I summarizes a comparison between the system previously used in Pennsylvania (column 1), the system currently used by LCE in DC (column 2), and the new methodology now used in Pennsylvania via Nevada (column 3). Diagram I compares the new methodology with the system previously used in Pennsylvania. Notice that many of the functions previously performed by the attorney have been shifted to the intake worker. In particular, the attorney never calls the client. All calls initiated by the advice line are made by the intake worker and then forwarded to the attorney. The managing attorney's job has not changed.

Testing Income Generation

We are also testing the use of the legal advice line to generate income by providing the same services on a fee basis to over-income clients. The services are provided in the same manner except that before the caller is referred to the attorney, she or he must provide a credit card number for billing purposes or call a 900 telephone number maintained by the legal advice line so that the cost of the call is billed to the caller's phone bill. The use of the 900 number is more expensive to provide than the 800 number/credit card service. On average the cost of a 900 call is \$0.50 per minute more.

Table 1			
	Old PA	DC	New PA
<i>Services</i>	Legal Advice, Info, Referrals Brief Services	Legal Advice, Info, Referrals	Legal Advice, Info, Referrals
<i>Attorneys</i>	Staff	Staff	Contractors
<i>Method of Payment</i>	Salary	Salary	70–80¢ per minute for time on phone plus 3 minutes for note taking
<i>Attorney Time per Client Served</i>	45 minutes	61 minutes	15.5 minutes
<i>Attorney Cost per Client Served</i>	\$14.32–\$21.42	\$19.39–\$29.02	\$10.86–\$12.42
<i>Other</i>			Lease phone
<i>Cases Handled by FTE Attorney</i>	2146	1584	7036



However, many callers either don't have a credit card or are reluctant to share it with the advice line. Currently 40 – 65% of the callers use a credit card with the remainder using the 900 option. Currently callers pay \$3 per minute for the service with an average total

cost of \$21 per call (i.e., pay calls only average 7 minutes in length).

Generating income in this manner is a challenge. Certain approaches don't work well. For example, over income callers are reluctant to pay for the service. Only

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about 25% of our over-income callers agree to pay for the service. This may result from a feeling that they are being exposed to a bait-and-switch scheme. The caller is expecting to receive a free service but is offered a fee service because she or he is ineligible for the free service. Thus the fee-based services need to be separately marketed and not tied to the free service.

Most forms of advertising do not work well for legal advice services. For example TV, radio, and print advertising do not yield enough business to pay for the marketing. The best form of marketing appears to be through entities who can refer clients to the advice line. This includes other legal services groups; bar associations; information and referral services; community service agencies; local, county, state and federal legislators; and the blue pages (free listings for non-profits).

To date we have had limited success. We average one pay call per day or one pay call for every 11–15 free calls. However, we have just launched a new marketing campaign and hope to increase the number of pay calls.

Other Benefits of the New Methodology

This new method of operating the legal advice line has great potential which remains to be tested. The system can be easily supplemented through the use of volunteers. Volunteer attorneys can work out of their offices and plug into the advice line whenever they want. All they have to do is call the advice line when they are available, indicate their areas of expertise and wait for the next appropriate call. They can unplug from the advice line by simply notifying the intake workers. Case notes can be dictated to the intake workers, hand written using a form and faxed for entry by the intake workers, or preferably E-mailed to the intake workers for entry into the case management system. These notes must be reviewed in the same manner except corrective action may have to be taken by a paid advice line attorney.

This methodology can be automated through currently available phone systems. Some phone systems can be programmed to route calls according to subject area. Similarly, paid or volunteer attorneys can log onto the telephone system to receive calls only in designated subject areas by answering recorded questions using the phone's touch tone pad. The intake worker can simply forward a call according to its subject area and the telephone system will connect the caller to the next available attorney designated to receive calls on that topic area. The phone system can record the

length of the call which can be used as the basis for monthly payment. This would eliminate the need for the attorneys to call the intake workers to notify them of their availability. Attorneys would simply log off the phone system when they wanted to stop handling calls and log back on when they wanted to resume services. Intake workers could record caller information for a call-back if no one was logged on to accept calls in the subject area. When someone logged on, the intake worker would call the client back and forward the call.

This system offers maximum flexibility. The advice line could use any licensed attorney in the state. Furthermore, if the attorney was on travel in another state, the calls could be forwarded to him or her anywhere in the U.S. (or even abroad). Thus, an advice line could contract with a former legal services lawyer anywhere in the state and would not be limited to local attorneys except for those areas of law requiring knowledge of the local laws or court systems.

Using New Methodology to Operate Statewide or Regional Advice Lines with Local Legal Services Programs

A statewide or regional advice line could use this new methodology with any attorney in any local legal services program in the state. This would overcome the criticism that statewide and regional advice lines can not provide meaningful advice on issues requiring a local knowledge of the law or court system. These calls would be referred only to attorneys with the requisite local expertise. All other calls could be handled by any available attorney in the state with the appropriate knowledge.

Thus, a statewide or regional hotline could be comprised only of intake workers and senior attorneys responsible for quality control. All the calls would be handled by staff of participating local legal services programs. Each local program would be responsible for scheduling staff with the necessary expertise according to an approved statewide staffing schedule. Some of these staff would receive calls during their assigned time periods with breaks as needed. Other staff would be on call. If the call volume so required, these on-call staff would begin receiving calls. All these staff could do other work while waiting for calls. Over time, the scheduling could be perfected.

If desired, local programs could be paid for the staff time they provided. In fact, this would encourage participation. The statewide or regional advice line would have a budget for making these payments and the telephone system would provide the information

Table 2

	Monday (AM)			Friday (PM)				
	9-10	10-11	11-12	12-1	1-2	2-3	3-4	4-5
<i>Family law</i>	a	a	a	c	c	d	d	e
<i>Family law</i>	c	d	d	e	e	f	f	-
<i>Family law</i>	e	f	f	-	-	-	-	-
<i>Housing</i>	a	a	a	b	b	c	c	c
<i>Housing</i>	f	f	f	d	d	e	e	e
:	:	:	:	:	:	:	:	:
<i>Public Benefit</i>	b	d	c	e	e	f	a	b

necessary to calculate the amount owed to each local program.

For example, suppose there were six local legal services programs in a state (e.g., programs a, b, c, d, e, and f). A grid would be created based on the pattern of legal services provided during the past year (i.e., 40% family law, 20% housing, etc.). The local programs would divide responsibility for providing staff with the appropriate expertise to cover all the time slots set out in the grid.

The grid (see table 2) is provided as an example. In this example three attorneys are available on Mondays from 9:00 am to noon to handle family law cases and two are available to handle housing cases. Not shown on the grid are all the other subject areas and the corresponding number of attorneys available during the Monday morning shift concluding with public benefits law. Similarly, but not shown, there would be schedules for Monday afternoon through Friday morning. The Friday afternoon schedule is shown to demonstrate that the number of attorneys available would vary since more calls are usually received on Monday mornings than on Friday afternoons. Note that the designation of "a" thru "f" indicates the location of the corresponding attorney. Thus, local legal services program "a" provides two attorneys during the entire Monday morning shift, one to handle family law and one to handle housing law cases; program "a" can use two attorneys for this or several who take turns. Program "c" provides one attorney on Monday mornings for family law from 9 am to 10 am and one for public benefit law from 11am to noon. Attorneys from program "d" take over for the rest of one morning shift in family law and for one hour for public benefit law.

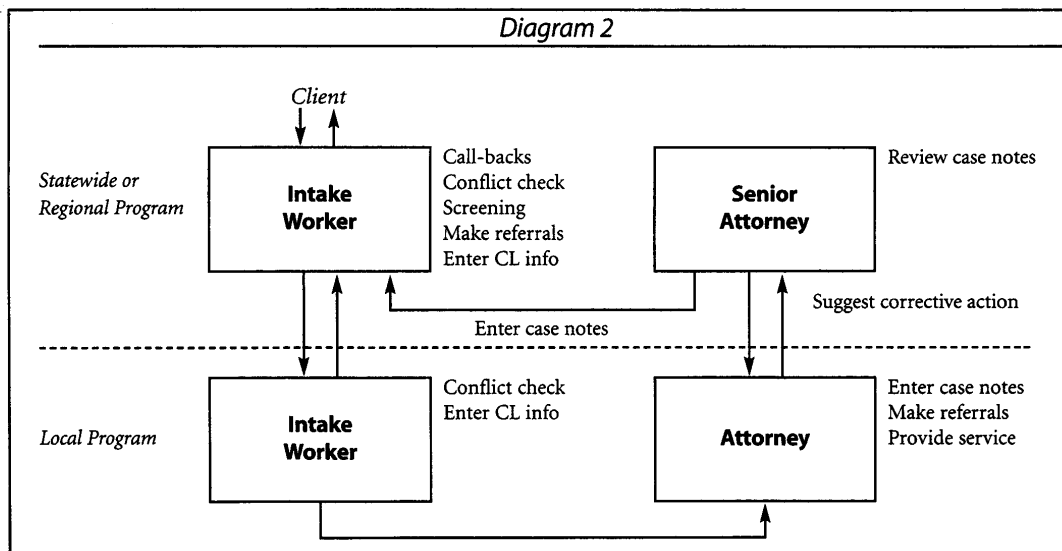
Local programs could meet and complete this grid every 3 months. Programs with special expertise could staff most of the slots for their specialty area. There would be one grid for those staff responsible for handling the calls and one grid for those "on-call." If circumstance required, last minute changes could be arranged among the programs. Thus, if one program had several staff out sick they could find another program willing to handle their slots. This would be another reason for paying programs for their time as the funds would go to the program that actually provided the services.

This methodology would allow local programs to continue to operate their own legal advice lines. Advice line staff would simply have double duty; they would answer calls for both advice lines. During their scheduled hours on the statewide advice line, they would receive calls from the statewide program; otherwise they would handle local calls.

The system could work something like this. When the intake worker at the statewide advice line received a call, she or he would screen the client for eligibility and conduct a conflict check. The participating local programs would have to agree on these eligibility criteria since they would have to provide at least legal advice to anyone who met the criteria. If there was a conflict, the intake worker would refer the caller to his or her local legal services program unless the local program gave the service that yielded the conflict. The intake worker would forward an eligible caller to the program scheduled to receive calls in the client's issue area. The intake worker in the local program would receive the call and conduct a second conflict check against the local program's client database. If there was a conflict, the caller would be returned to the statewide

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program for a transfer to a second legal services program. To plan for this conflict problem, attorneys from different programs should be scheduled for most time slots in the grid particularly for issues subject to many conflicts (e.g., family law). Alternatively the statewide intake worker could tell the caller that she or he will be called back as soon as an attorney with the requisite expertise is available from another program.

After the local legal services attorney completed the call, he or she would finish the case notes in the local program's case management system. The notes would then be printed at the end of the day and faxed, mailed or E-mailed to the statewide program where the intake workers would enter them into the statewide program's case management system. If the statewide and local programs had the same case management system, the case notes could be transferred electronically between the programs eliminating the need to have them keyed into the statewide system. The case notes would be reviewed by the senior attorney in the statewide program and the local attorney would be notified if corrective action were required. Notes related to the corrective action would also be forwarded to the statewide program. The case notes could also be reviewed by the local program's management.

Another benefit of this methodology is the local program would receive credit for the services and would include these cases in its case services reports. A diagram of this methodology is shown in diagram 2.

A New Concept: The Brief Services Unit

The new methodology's limitation is that it is not well suited to handling brief services or advice cases that are based on numerous documents that cannot be read over the phone or sent by fax.⁴ However, it occurred to me that this limitation might be an opportunity, namely the creation of a separate brief services unit (BSU). The idea of a BSU also seemed to solve other inefficiencies that I have observed in my own program (i.e., LCE) and in others. One inefficiency is that advice, brief services, referrals, and no merit cases comprise 32% of the caseloads of our staff attorneys and paralegals, notwithstanding the fact that our advice line handles many brief services. Part of this is attributable to the types of problems experienced by seniors; but most arise from the fact that these cases require further development before an appropriate resolution is apparent. This development is too time consuming or protracted for the advice line to undertake so these cases are referred to staff. But this case development and investigation could be done by a BSU which then could resolve those cases requiring only advice, brief services or a referral. Only cases requiring extended services would be forwarded to staff attorneys and paralegals.

Another inefficiency results from the misuse or under use as much as volunteer lawyer projects (VLPs). In an earlier⁵ article, I estimated that VLP cases cost about 55% of those handled by paid staff even though the legal work is provided for free. This is

due to the time required to recruit the attorneys and to develop, place, and monitor the cases. 30% of cases closed by our VLP program are closed by means of abbreviated services. Given the cost of development, placement, and quality control, these cases cost more to process through the VLP than if they were handled by a legal advice line or BSU with paid staff. Most VLPs are underutilized because their case mix rarely matches the case handling capacities of the volunteer lawyers. Typically some volunteer lawyers are overworked (e.g., family law lawyers), but many are underutilized (e.g., wills, consumer, personal injury defense, legal transactions). This is a result of how cases are routed to the VLP. Since it is difficult (and unwise) to refer undeveloped cases, most cases need to be fully developed so that one can determine the expertise and amount of time required to handle the case. Nothing discourages volunteer lawyers like cases with unexpected surprises. My program and many others rely on staff attorneys and paralegals to develop all but the most straight-forward cases. However, once staff have developed the case, they often find it easier to resolve it themselves than refer it. As a result they tend to send the VLP those cases they don't want to handle which, not surprisingly, tend to be the ones that volunteer lawyers don't want to handle either. Thus, there is a need for a separate unit (i.e., a BSU) to develop these cases and send the most referable ones to the VLP and the others to the staff. There is also a need for this separate unit to conduct "active intake" to identify clients with problems that can be referred to underutilized volunteer lawyers. Several articles including those of LCE staff have been written on how to proactively obtain these cases.⁶

Also we have discovered over many years of testing that non-attorney volunteers are well-suited to case development and investigation. They can take the time to call SSA until they get the information that is needed. They can write for documents and records; they can take pictures of deplorable housing conditions and review housing records and licenses. Thus, I propose that the BSU be staffed with non-attorney volunteers, a few experienced, paid paralegals and a paid supervising attorney. The unit could resolve over 50% of the cases now handled by expensive paralegal and attorney staff. I recently reviewed all of the cases closed last year by two of our staff attorneys. One did more court work; the other did more administrative agency work. The attorney doing administrative work closed 140 cases of which 26% involved extended services. I estimated that a BSU could have closed 116 of these

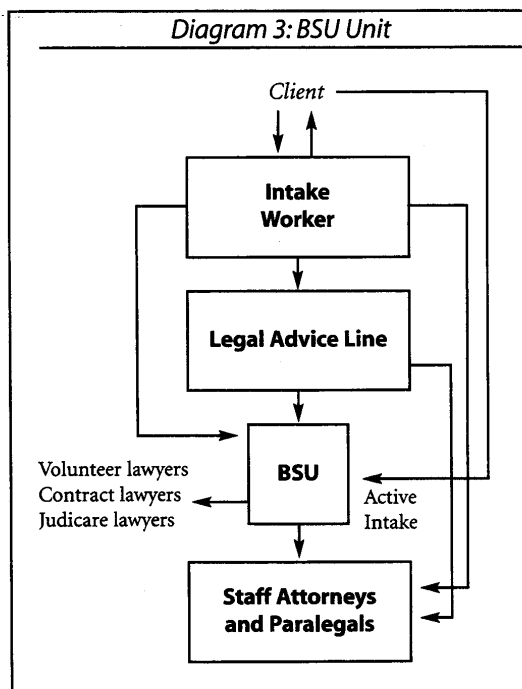
including 23 that involved extended services. Much of the work could have been done by a non-attorney volunteer and a paralegal with an attorney monitoring to determine how the case should be resolved. The extended services cases that seemed to be resolvable by the BSU involved simple negotiations with utility companies and other providers of goods and services.

The attorney doing court work closed 72 cases of which 28 involved extended services. I estimated that a BSU could have resolved 50 of these including 15 extended services cases.

Thus, I propose that a BSU be tested in some legal services programs. All cases except some emergencies, those cases clearly requiring extended services (e.g., client has a court or hearing date), and those requiring a complex legal document (e.g., will) would be referred to the legal advice line. Some emergencies and cases clearly needing extended services or the drafting of complex documents would be directly scheduled for staff advocates or the VLP as appropriate. The advice line would refer all the cases it could not resolve to the BSU except those cases clearly requiring extended services or faced with a statute of limitations problem. The BSU would house the VLP and conduct active intake. The BSU would resolve all the cases it could and refer the rest to the VLP or to in-house staff. Priority would be given to the VLP to insure it is fully utilized. Only those not suitable for the VLP would be sent to in-house staff.

My sense is that the BSU could have the same impact on the delivery of legal services as the advice line has. It promotes the philosophy that staff attorney and paralegal resources should be used primarily for extended services and systemic change.

I envision that the BSU would operate something like this. Its cases would come from the advice line. The advice line attorneys could suggest in the case notes the steps that should be taken by the BSU. The managing attorney of the BSU would review each case and add any steps required to develop and investigate the case that the advice line attorneys may have overlooked. The manager would then assign each case to either a non-attorney volunteer or a paid paralegal, as appropriate, for case development and investigation. We have found that retired people are an excellent source of these non-attorney volunteers. The staff paralegals and volunteers would carry out the identified steps and consult the managing attorney as needed. Once all the steps were completed, the managing attorney would determine the proper disposition of the matter. If only advice was needed the managing



attorney or the paralegals and volunteers under the direction of the managing attorney would provide the advice to the client and close the case. Similarly other brief services would be performed by the managing attorney, the paralegals or the non-attorney volunteers as appropriate. When the BSU closed a case it could be tickled for follow-up to insure that the client followed the advice or was otherwise able to resolve the matter. The follow-up would be performed by the non-attorney volunteers. If the follow-up indicated that the client needed more services, the BSU would reopen the case and refer the client to the appropriate part of the legal services program.

Similarly any other case in the BSU that needed extended services would be referred to either the VLP (or a contract or judicare lawyer) or to an in-house attorney or paralegal. Priority would be given to referrals to the VLP.

The BSU also would conduct active intake. This would include periodic clinics held in low income neighborhoods. Publicity for these clinics would state that the clinics only handled cases in certain areas of the law (e.g., in which volunteer lawyers (or some other underutilized program resource) were available to handle the cases). Clients with other problems

would be referred to the program's intake unit or legal advice unit. Other forms of active intake could be used such as inserts in adverse decision letters from government agencies and posters in government offices or in certain branches of the courts. These active intake activities would be carried out by the paralegals and volunteers (see diagram 3).

The BSU paralegals and volunteers could also draft legal documents using document generation software. This would include powers of attorney, simple wills, deed transfers, etc. We have also been experimenting with a special methodology for resolving consumer complaints. We have developed templates for most of the common consumer problems (security deposits; defective goods and services, neighborhood complaints). We also have a database of names and addresses of people at major corporations and businesses whose job is to handle complaints arising from the businesses' goods and services. We have a database of government agencies that regulate these businesses to which copies of the complaint letters are sent. We have found a customized form letter sent to the right person at a business with copies sent to the corresponding regulatory agencies gets action. (I will be writing a separate article about our experience with this project soon). These letters can be drafted by paralegals or volunteers following our step by step procedures.

Conclusion

Together, the streamlined legal advice line and BSU should maximize the efficiency with which programs resolve all but extended services cases. This should allow programs to better focus their resources on extended service cases and systemic advocacy which are the legacy of legal services programs nationwide.

- 1 In the case of paying by check, the caller received the service and mailed the check afterwards.
- 2 This allows 2 weeks for holidays, 2 weeks for sick leave and 2 weeks for vacation.
- 3 These averages are based on LSC data as compiled by Ken Smith.
- 4 Some programs have recruited a network of social service agencies willing to fax documents for clients.
- 5 Wayne Moore, *Improving The Delivery of Legal Services for the Elderly: A Comprehensive Approach*, 41 *Emory Law Journal* 805, 842 (Summer 1992).
- 6 Sheryl Miller, *Targeted Intake: A Community Based Approach to Increase the Availability of Cases for Pro Bono Panel Attorneys*, *MIE* Vol. 13, #3 (Fall 1999) 46-49.

Innovation Description

Program Name: Legal Aid Society of Milwaukee, Inc.

Address: 229 E. Wisconsin Avenue, Suite 200
Milwaukee, WI 53202

Phone: (414) 765-0600

Fax: (414) 291-5488

Email: lfoley@lasmilwaukee.com

Program Director: James M. Walrath, Esq.

Contact Person: Lisa Clay Foley, Esq.
Project Attorney

Subject Area: HIV Law

Project Title: AIDS Law Education Research and Training (ALERT)

A. Problem:

ALERT is designed to outreach to minority women because this population isn't accessing traditional legal services at traditional AIDS service organizations (ASO) or other legal services providers for a variety of reasons. These reasons include not wishing to be identified as HIV positive simply by walking in the door, perceptions that services at some providers are geared to white males, transportation problems and the multiple demands placed on them when they have children. (1) *Southeast Region-Milwaukee HIV Needs Assessment Report 12/15/2000 Women with HIV/AIDS Focus Group Results.*

B. Innovation:

ALERT, a unique medico-legal collaboration, serves clients where *they* go for services. In particular, ALERT serves minority women with HIV by providing health clinic-based legal intake at two sites in Milwaukee, the Sixteenth Street Community Health Center, which serves approximately 100 predominantly Spanish-speaking patients, and the Positive Health Clinic at Sinai Samaritan Medical Center, a central city health care provider, serving 350 HIV positive patients. The ALERT attorney goes to the Sixteenth Street CHC once a month when the infectious disease doctor is present at clinic. The ALERT attorney goes to the Positive Health Clinic twice a month, with one of the times falling at the same time the women's support group meets. The ALERT attorney also works with the HIV casemanager at UMOS, a community-based organization serving the Latino community. Home and hospital visits are done routinely by the attorney with clients who are too sick to come to the office. Finally, ALERT also provides a monthly legal education program to the

clients and staff at the Benedict Center, which is a program serving at risk women who attend programming in lieu of incarceration.

C. Result:

ALERT is successfully reaching HIV positive minority women, who may otherwise have not accessed legal services. ALERT program statistics for 4/1/02 to 9/30/02 reveal that 51% of the clients are female, and 84% of the clients are minority. All but two of the females that have been served are minorities. For comparison, the local ASO legal program for the same time period has served 23% female clients, 77% male with 53% of the clients being minorities. In addition, ALERT solicits input from HIV positive women in a manner sensitive to confidentiality concerns. The ALERT does this by meeting with established HIV women's support groups at UMOS**, Sixteenth Street CHC and Positive Health Clinic once a year to get their input into the program design and implementation. The results are as follows:

1. Is it helpful for you to have the attorney come to the clinic in case you have a legal problem? 100% yes*
2. Are you aware of the times the attorney is in the clinic? Approximately 50% yes, 50% no
3. Have you talked to the attorney at the clinic? Approximately 20% yes
4. If you had a legal problem would you ask to see the attorney if she was at the clinic? 100% yes
5. Do you know how to get a hold of the attorney when she is not at the clinic? Unclear
6. Is it helpful to have the attorney do home visits? 100% yes
7. Is it helpful to have the attorney do hospital visits? 100% yes
8. Do you prefer to see the attorney at a law office such as Legal Aid Society, AIDS Resource Center of Wisconsin or Centro Legal? Most no
9. Does your concern about the confidentiality of your HIV status influence your decision about where to go to get legal help? 100% yes
10. If so, how does it influence your decision?
 - Most respondents wanted confidentiality preserved,
 - Did not want to be perceived as HIV-positive simply by walking in door,
 - Were concerned about seeing someone else from community who might recognize her and realize that she is HIV-positive.
11. Do you have any suggestions to make ALERT more receptive to your needs?
 - Come to the clinic twice a week (instead of once or twice a month)
 - Come to emergency rooms
 - Come to clinic more often

*Percentages are based on verbal polling of women. There were 15 respondents in the Positive Health support group, three in the Sixteenth Street Clinic group. The Sixteenth Street Clinic group did not answer questions 6, 7 and 11.

**UMOS meeting is scheduled for November 2002.

ALERT utilizes interpreters at the sites for non-English speaking clients, and also utilizes a Legal Aid Society staff member, who is bilingual in Spanish and English to assist the attorney when necessary.

ALERT clients benefit from accessing the legal expertise of the thirty Legal Aid Society attorneys through the ALERT intake. As a result, ALERT is able to provide legal representation in many more civil areas of law than those strictly HIV-related. Some case examples are as follows:

Family Medical Leave Act: A single mother was seen in clinic with a terrible foot infection. The doctor ordered her to stay home off her feet for a week. The client, who has not told anyone of her status, worked full-time in a factory at a minimum wage job, and was very worried about telling her boss of her status. The attorney advised her of her rights under the FMLA, and indicated for the client and her doctor how the medical excuse should be drafted without mentioning HIV status. The client was very relieved to know she did not have to disclose her status.

Health Insurance: A client contacted the project attorney upon her discharge from the hospital after suffering from pneumonia. She was unable to get her prescriptions filled because her General Assistance Medical Program (GAMP) benefits had expired while she was unconscious in the hospital, and she was told the new application would take 10-to-15 days to process. The attorney contacted the head of the GAMP program, explained the situation, and the client's application was located and immediately processed. However, the pharmacy still would not fill the prescription because the approval was not in its computer. The pharmacist indicated he would accept a verbal approval over the phone. So, the attorney again contacted the head of GAMP and asked her to call the pharmacist. She did, and the client's life-saving prescriptions were filled that day. The client also benefited from having on-going GAMP eligibility established, thereby avoiding the need for any additional "emergency" legal services in that area.

Social Security/SSI Disability: ALERT represented a 52-year-old woman in a remand administrative law judge hearing regarding the denial of her application for Social Security and SSI disability benefits. Many legal issues were present including substantial gainful activity (which had to be appealed to the Appeals Council after the client was denied benefits at the first administrative law judge hearing), and whether past alcohol and drug use were contributing factors to the client's disability. Also, Social Security had not updated this client's medical records in two years even though the client had filed a new application for benefits while the Appeals Council appeal was pending. The ALERT attorney wrote an 18-page brief and medical record summary, and included all medical records to date. Twice Social Security lost all or part of the attorney's brief and records. In addition, it had lost the client's new application for disability benefits, and the attorney had to rebuild that record. At the hearing a medical expert and vocational expert were present. With the help of ALERT's advocacy, the client prevailed, and will be receiving benefits in the amount of approximately \$25,000.

Housing: A client was asked to leave his HIV group home residence by the landlord due to past convictions. The client, who was recently released from prison, did not yet have a job, and did not

know how he could possibly find another residence without any income. The ALERT attorney intervened on his behalf, and worked with his probation officer, the landlord and his caseworker. As a result, the client was allowed to continue living at the group home.

Children's Law: A client contacted the ALERT attorney because she was unable to care for her young teenager due to health reasons, and the teenager's father had refused to care for him. The teenager was acting out and living on the streets. The mother had tried going to Family Court on her own, but the Family Court commissioner had told the desperate mother that this was a matter for Children's Court. The ALERT attorney assisted the mother in filing a CHIPS (Child in Need of Protection or Services) petition in Children's Court. If the attorney had not represented the mother, Children's Court would have diverted the mother to a social services program first. However, the social services program would not have been able to provide any living arrangements for the teenager. This diversion would have resulted in a delay of weeks on the case. At the hearing on the CHIPS, the Children's Court judge ordered services for the teenager, and, as a result, the father temporarily agreed to house the youth. If the arrangements with the father do not work out, the court will order housing for the teenager.

Advanced Directives: A physician contacted the ALERT attorney regarding a client who was end-stage AIDS. The attorney went to see the client in the hospital to assist her with end-of-life planning. Upon discussing the options with the client, the attorney, with the client's permission, contacted members of her family and of the medical staff working with her. The client determined, after consulting with the attorney, that there was not a suitable person to serve as her agent for health care decisions. Therefore, the attorney returned to the hospital, and assisted the client in executing a Living Will.

A client with end-stage AIDS contacted the ALERT attorney regarding an issue he was having with his family regarding funeral plans. The attorney assisted him by drafting a Statement of Funeral Wishes while the client was still competent, which expressed his strong desires to his family. The attorney went to the client's home so that the client could sign the document. This legal document gave the client and his partner great peace of mind.

Family Law: A client was residing out-of-the-city, and had not seen her youngest child in 3 years. The client returned to Milwaukee to see the child and make plans to move back. The father, who is also HIV-infected, refused visitation. ALERT successfully represented the client in the divorce action, obtained joint custody for the mother and a favorable visitation plan. The father, who initially opposed everything the mother wanted to do, has now decided to move near the mother's neighborhood, so that the child can form a close bond with her mother and other siblings.

Advanced Planning for Children of Mother with AIDS: The ALERT attorney visited a client in the hospital who is end-stage AIDS. This client is a young mother with several children. The mother does not have anyone in her family to care for her children when she dies. The lawyer advised her on the different legal possibilities including the rights of the adjudicated fathers, guardianship, standby guardianship, nomination of a guardian in a will, foster care and adoption. These different possibilities are being explored including possibly opening a dialog with some of the children's fathers. This process is an ongoing one between the lawyer and the client as she talks to family members and makes decisions.

Finally, ALERT has formed close alliances with the staff at the medical clinics, UMOS and the Benedict Center. For example, the medical director at the Positive Health Clinic requested that the attorney participate in a grand rounds case discussion presented to hospital staff, because she wanted to demonstrate the holistic approach to the patient's needs followed in her clinic. The attorney provides informal legal education to the staff, a process we hope to build upon especially in the context of disability law. Staff at all the sites ALERT works with regularly refer clients directly to the attorney, when the attorney is not present at clinic.

D. Replication:

This program is easily replicated elsewhere by other public interest legal services providers. For funding purposes, it is important to be able to distinguish the services provided from those provided by other legal programs in the area.

E. Materials Available:

None at this time. ALERT utilizes existing legal materials, such as *HIV and Your Rights, a Legal Guide to Wisconsin*, for HIV positive clients.

Innovation Description

Program Name: AARP Legal Counsel for the Elderly

Address: 601 E St. N.W.

Phone: (202) 434-2170

Fax: (202) 434-6464

Email: jmay@aarp.org

Program Director: Jan May

Contact Person: Jan May

Subject Area: Continuing Legal Ed/Law Reform

Project Title: Fireside Chats

A. Problem:

“He (sic) who does not know history is condemned to repeat it.”

A younger generation of legal services attorneys could benefit from hearing from senior members of the bar on the history of legal services/public interest activities in their area and be provided with an opportunity to discuss strategies for dealing with systemic issues with which the legal services community is currently confronted.

F. Innovation:

The development of a speaker series where senior members of the bar discuss significant impact work they have done and respond to questions about strategy both relating to those issues and current ones. Chats last about two hours and are held in an informal lounge area provided by a law firm or law school.

G. Result:

A younger generation of legal services advocates learn the background and history to the present legal services environment and have the opportunity to strategize with some of the most respected members of the bar about how to approach current problems.

H. Replication:

Can be replicated in any area, but perhaps most easily replicable in a large urban environment where there is a significant pool of older attorneys who have engaged in groundbreaking work in poverty law and public interest work generally.

I. Materials Available:

“Fireside Chats” flyer.

11/04/2002 MON 18:56 FAX

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**The District of Columbia Bar Foundation
and
The District of Columbia Consortium of Legal Services Providers
present**

Fireside Chats

Fireside Chats is a new program series that will provide a forum in which senior lawyers and a younger generation of legal services advocates and law firm associates can share knowledge and formulate ideas for achieving progressive reform.

The first program will feature the distinguished John H. Pickering. The invited speaker will first make a short presentation. *Participants are encouraged to submit questions in advance of the program to the email address below so the speaker can address them in the presentation.* Moderated by a staff person from a legal services program, advocates will also have the opportunity for extensive questions and dialogue following the presentation.

Light refreshments will be served. Space is limited. Please RSVP to the Bar Foundation by noon, day of event – 202-546-6933 or info@dcbarfoundation.org.



**Wednesday, October 9, 2002
4:00-6:00 p.m.**

**WILMER, CUTLER & PICKERING
2445 M Street, N.W.**

John H. Pickering

John H. Pickering is a founding partner and senior counsel at Wilmer, Cutler & Pickering where his practice focuses on federal administrative law and appellate matters. He is an expert in Supreme Court practice and procedure.

Mr. Pickering has been active in a number of civic and professional organizations. He is a past president of the District of Columbia Bar and has served on many American Bar Association, D.C. Bar and court committees.

Mr. Pickering has received numerous awards for his work to advance the cause of civil rights, to encourage *pro bono* legal services, to improve the administration of justice, and to protect the rights of the elderly. He was most recently honored with the 2002 *Robert F. Drinan Distinguished Service Award* by the ABA's Section on Individual Rights and Responsibilities.

Mr. Pickering continues to be active in *pro bono* work on behalf of local legal services providers and embodies his firm's commitment to public service through its award-winning *Pro Bono* Program.

The Fireside Chats series continues with programs in early November and December. Details will be announced as they become available.

THE DISTRICT OF COLUMBIA BAR FOUNDATION
700 E Street, SE · Washington, DC 20003 · (202) 546-6933 · (202) 546-6936 fax · info@dcbarfoundation.org

Innovation Description

Program Name: Legal Services for New York City

Address: 350 Broadway, 6th Floor, New York, NY 10013

Phone: (212) 431-7200, x132

Fax: (212) 431-7232

Email: edwinam@lsnycentral.org

Program Director: Andrew Scherer

Contact Person: Edwina Frances Martin

Subject Area: Disaster Legal Services

Project Title: The LSNY September 11th Project

A. Problem:

Devastation for low-income New Yorkers caused by the terrorist attack on the World Trade Center on September 11, 2001. This included government and agency dislocations caused by the closure of lower Manhattan and power and telephone interruptions during the weeks following September 11th, and the loss of an estimated 47,000 jobs from the lowest paid industries and sectors in New York City.

B. Innovation:

The development of the LSNY September 11th Project, a holistic approach to addressing the civil legal needs of low-income people due to the attack, including family, housing, unemployment and government benefits matters. In addition to establishing a single central phone number for clients and referrals from organizations, staff members in each of our offices were designated to coordinate assistance to September 11th clients, coordinate efforts to reach out to other organizations and legal services providers, and to track our September 11th cases.

C. Result:

September 11th clients were able to have all of their legal needs addressed with “one stop” – housing, unemployment, family, or other legal problems due to the disaster.

D. Replication:

This project can be replicated in future disaster situations.

E. Materials Available:

A description of the project is below.

THE LSNY SEPTEMBER 11TH PROJECT

For over 30 years Legal Services for New York City – LSNY for short – has had one mission: to make access to the legal system a reality for people who have no where else to turn. We are a network of non-profit legal services programs that provide free legal help in civil matters to low-income people throughout New York City. Today, with 17 offices located in transportation hubs throughout New York City, LSNY is the largest provider of civil legal services to low-income persons in the continental United States. Our programs include Bedford-Stuyvesant Community Legal Services, Bronx Legal Services, Brooklyn Legal Services Corporation “A,” Brooklyn Legal Services Corporation “B” (also known as “South Brooklyn Legal Services”), Harlem Legal Services, LSNY Brooklyn Branch, Legal Services for the Elderly, the LSNY Legal Support Unit, MFY Legal Services, and Queens Legal Services. Our core practice areas are family, housing, benefits, consumer, and education law.

Never have our services been more needed and more necessary then in the aftermath of the horrific September 11th attack.

IMPACT OF THE ATTACK ON NEW YORK CITY

The September 11th attack had a devastating and far-reaching impact on the city – over 2,800 lives were lost in the attack; 84,000 jobs were lost in the fourth quarter of 2001, the “post September 11th period;” the city’s unemployment rate has averaged at 7.2% since the attacks, well above the national average; and, most recently, city officials have said that, with the current economic downturn and the loss of revenue suffered by the city last year, New York City is experiencing “the most severe fiscal crisis in its history.”

The impact of the attack on the city’s most vulnerable populations – children, victims of domestic violence, people with AIDS and HIV, the elderly, and the mentally disabled – has been particularly acute. Over a third of the jobs lost last year were from the lowest paid industries and sectors, such as retail trade, restaurants, and air transport. Government and agency disruptions following the attacks made the situations of those dependent on government subsidies for survival desperate. And people who lost their jobs or a significant amount of their income at or in the near vicinity of the World Trade Center and have not been able to locate jobs are facing eviction, foreclosure, and bankruptcy due to their loss of income.

In the face of this crisis, the response of the LSNY offices was to instantly spring into action. On the day of the disaster, we began working with our colleagues in the social services, legal assistance and advocacy communities to address the legal needs of New York City’s low-income residents as a result of the attack. Within days of the disaster, we had established a central “September 11th” telephone number for clients, and had helped train hundreds of private bar attorneys as part of the “September 11th Facilitator Training” organized by the Association of the Bar of the City of New York. Since the disaster, our offices have advised people on their rights; made calls and written letters on their behalf; assisted with applications for benefits; represented people before courts and administrative tribunals in negotiations, trials and hearings; filed appeals on behalf of people affected by the attack; mentored attorneys from the private bar; participated in September 11th-related trainings; informed policy makers regarding September 11th legal matters; and disseminated materials through community education projects and outreach. Our efforts have

reached over 7,500 people – people who, without us, would have had no where else to turn for help. And, by coordinating our efforts with our colleagues in the legal and social services communities, we have succeeded in bringing out the best that New York has to offer in a time of dire need.

LSNY’S SEPTEMBER 11TH PROJECT

To help New York’s low-income population meet the legal needs they are experiencing because of the loss of income and trauma of the attack, we developed the “LSNY September 11th Project.” Soon after the attack, we established a central telephone number – (212) 431-7200, Ext. 152 – for clients to call directly and for organizations to make referrals to LSNY. We designated staff members in each of our programs to accept referrals, facilitate provision of legal assistance in their offices, and coordinate assistance with other providers of legal services. The designated “9/11” staff members are responsible for tracking all of LSNY’s September 11th cases, as well as coordinating efforts to reach out to other organizations and legal services providers, and coordinating assistance to September 11th clients. LSNY’s September 11th activities include:

Providing advice and representation to individuals affected by the tragedy, including:

- family members of victims in need of social security survivor benefits;
- families of survivors needing access to government benefits and charitable benefits;
- family members of victims facing landlord-tenant issues;
- family members in need of obtaining guardianships, or representation in connection with wills or estates of victims of the attack;
- people facing problems with government benefits because agencies were closed, files lost, and/or computers down;
- people who are now jobless, or have lost a significant amount of income, due to the attack who need representation in Housing Court to prevent eviction;
- people who need assistance with emergency public assistance, food stamps, social security and unemployment insurance applications, Section 8 applications, and FEMA applications; and
- people who need assistance in applying for aid from charities and from the Lower Manhattan Development Corporation.

Training on issues related to the attack, including:

- “Rebuilding for Whom? Spotlight on the Poor: A Working Conference,” hosted by MFY Legal Services;
- “September 11th Facilitator Training,” organized by the Association of the Bar of the City of New York;
- a training on “Working with Victims of Terrorism and Other Crimes,” organized by the LSNY Legal Support Unit and the National Center for Victims of Crime;
- “Access to Jobs in Today’s Economy,” a workshop in which attorneys from South Brooklyn Legal Services and other organizations trained counselors and job developers on transitional benefits available to clients left unemployed by the events of September 11th;
- a Community Law Day, sponsored by the New York City Civil Court, the Asian-American Bar Association, and the Jade Council, in which attorneys from MFY Legal Services informed people about legal issues related to the attack;

- an owner and tenant forum organized by the New York City Civil Court;
- a clinic on unemployment insurance benefits for low-wage and immigrant workers;
- bankruptcy and consumer debt collection trainings for advocates, organized by the LSNY Legal Support Unit;
- a series of trainings regarding disaster relief benefits presented at Queens Public Library branches sponsored by Queens Legal Services;
- a training for the New York State Alliance on Information Services, a statewide group of Information and Referral providers on Legal Information and Referral Resources on the Web, with an emphasis on September 11th related services available around New York State, presented by Bronx Legal Services; and
- trainings on Low-Income Tax Credits and Tax Relief Available to persons affected by September 11th, and September 11th-related legal resources, presented by Bronx Legal Services.

Working with members of the private bar to provide free legal help to victims of the attack:

LSNY staff attorneys have been closely involved with the coordinated effort for victims spearheaded by the Association of the Bar of the City of New York by providing mentoring and training to private attorneys in areas of our expertise, including guardianships, wills, social security death benefits, and landlord-tenant matters, as well as by accepting referrals and providing direct representation to victims.

Public Policy Advocacy:

- At their request, South Brooklyn Legal Services has been working with FEMA, the New York State Congressional delegation, and community, religious and labor representatives to ensure that FEMA responds effectively to the needs of thousands of low-income New Yorkers who lost jobs or income and face eviction, dispossession or foreclosure as a result of the September 11 attacks, by advocating that FEMA (i) expand its Mortgage and Rental Assistance (“MRA”) Program's eligibility guidelines; (ii) extend the program's application deadline; (iii) streamline its processing of MRA applications; and (iv) reduce its documentation requirements. In addition, attorneys from LSNY and other organizations working with victims of the attack have held trainings to educate FEMA’s caseworkers, and have increased community outreach about the program to ensure that all who are eligible for and need rental assistance receive it.
- LSNY’s program in lower Manhattan, MFY Legal Services, has been at the forefront of the planning sessions for the rebuilding of lower Manhattan, giving a voice to the needs of low-income residents of lower Manhattan. Activities related to the rebuilding of downtown Manhattan include: (i) participating in Civic Alliance (a coalition of more than 75 business, community and environmental groups working in support of the rebuilding of downtown New York City) meetings in order to ensure that the voices of poor people are included in rebuilding efforts; (ii) commenting on the housing assistance plan for lower Manhattan residents to the Lower Manhattan Development Corporation; (iii) meeting with the Federal Reserve Bank of New York to promote community development in low-income communities; (iv) providing legal advice and representation to the Spotlight Coalition (a coalition of civic groups

organized to ensure that low-income voices are heard in the discussion of rebuilding lower Manhattan); (v) meeting with the Planners Network to educate planners about the needs and concerns of low-income people after September 11th; and (vi) attending the Regional Plan Assembly in order to articulate the needs of low-income people and poor communities after September 11th.

Posting law-related emergency information for advocates, social services providers and the public on the web through www.LawHelp.org: Lawhelp is a collaborative website that is designed to assist low-income New Yorkers by connecting them to legal help, information and legal education materials in a number of different areas of civil law. In order to respond to the September 11th crisis, we have devoted a section of the website to emergency legal and resource information that is designed to be especially helpful to the communities that we serve. LSNY staff members have been gathering and posting and regularly updating information in such areas as housing and eviction prevention, emergency food stamps and Medicaid, special unemployment and disaster relief eligibility, custody and guardianship of children who have lost family members, and access to benefits. In the immediate aftermath of the attack, we continued to update and post emergency contact information for legal services organizations, and for government and public service agencies that were displaced or were experiencing communication problems. We also worked with law students from Cardozo Law School, Columbia University Law School, and other institutions to develop community legal education materials specifically targeted to and addressing issues of concern to those affected by the tragedy.

Coordinating exchange of information and strategies among advocates: LSNY organizes and hosts a number of task forces in substantive areas of poverty law, including HIV Advocacy, Disability, Family Law, Public Benefits, SSI/SSD and Housing. These task forces are jointly organized with other providers of civil legal services to the poor, such as the Legal Aid Society and the Greater Upstate Law Project. As issues have arisen, we have devoted time at task force meetings to discuss the legal issues that are faced by poor and low-income New Yorkers affected by the events of September 11th, and we have been coordinating strategies and approaches to address those issues.

III. CASE NARRATIVES

Following are just a few cases that illustrate how people have been affected by the September 11th tragedy, and how LSNY's offices have been able to help them:

Mr. G, a disabled veteran who sold hats and gloves on the sidewalks of lower Broadway, was facing eviction from his supportive housing. After months of submitting documents to complete his application for Mortgage and Rental Assistance ("MRA") from FEMA, including notarized statements from shopkeepers confirming that he was a vendor in the area, his vendor's license, certification of his household income, and his landlord's notice of intent to evict, because he is self-employed, FEMA required that he submit tax records that established a 25% or more loss of income, which Mr. G was unable to do. With advocacy on his behalf from attorneys and paralegals at South Brooklyn Legal Services, including obtaining favorable press coverage, Mr. G was finally approved for MRA assistance.

* * * *

Ms. X, a single mother living on the Lower East Side, lost her job as a result of September 11th and was facing eviction for non-payment of rent. She had informed FEMA that she had been denied unemployment benefits and FEMA incorrectly told her she was entitled to Disaster Unemployment (DUA). As a result of that misinformation, she did not appeal the denial of her unemployment assistance and her time to appeal expired. LSNY's program located in lower Manhattan, MFY Legal Services, is assisting her with her unemployment claim and her housing case, and advising her concerning other benefits to which she might be entitled.

* * * *

With the decline in air travel following September 11th, Ms. C, with 5 children, lost her job as a flight attendant for a major airline. Soon thereafter, a holdover proceeding was commenced against her because the bank had foreclosed on her landlord. Ms. C turned to Bedford-Stuyvesant Community Legal Services for help, and its attorneys and social workers helped her obtain an emergency Section 8 transfer package and negotiated for Ms. C and her children to move into a new apartment.

* * * *

Ms. AA, a single mother of two young children, was threatened with losing her utilities because of her inability to work. She had worked at the World Trade Center as an administrative assistant. She escaped on September 11th, but lost many co-workers and her boss. Afterwards, Ms. AA attempted to return to work, but after several months she began experiencing severe post traumatic stress disorder and was unable to continue working. Her loss of income, coupled with her emotional distress, made her unable to pay her bills, and she was served with a court petition from Con Edison to seize her meter. Bronx Legal Services attorneys assisted Ms. AA in delaying the meter seizure, and arranged for charities to help pay her arrears. They have also helped her with employment-related matters, and in referring her to pro bono counsel for help with child support and other family law matters.

* * * *

Mr. H's Social Security disability file was located at 22 Courtlandt Street – the case had been pending since May 2001. After the attack, the building was abandoned; later, it was determined that the building could be re-entered to remove documents, but the documents removed had to be decontaminated before they could be dealt with. Because of Mr. H's disability he could not work, and because he could not work he was in rent arrears, and received an eviction notice. A Legal Support Unit staff attorney drafted a letter to the Regional Commissioner of Social Security on his behalf asking that his claims be given priority because of the possibility of eviction and homelessness, and followed-up with telephone calls to SSA's Associate Regional attorney. Fortunately, the decision in this case was issued soon thereafter and Mr. H could correct his rent arrears.

* * * *

Ms. S. suffered the loss of her husband, who was employed at the WTC, on September 11th. Not long after the tragedy a finance company started eviction proceedings against her and her extended family to remove them from the house they had rented from the previous owner. Ms. S. had been unaware of a foreclosure proceeding that had caused her landlord to lose the house, and had just paid him two months rent. Queens Legal Services attorneys had her eviction case removed from the court calendar and successfully negotiated a settlement for her. Ms. S. has recently found another home and is preparing to move.

* * * *

LSNY attorneys have also been able to assist many small businesses that, devastated from loss of business after the disaster, have had to file for bankruptcy. For example, LSNY Brooklyn Branch attorneys recently drafted a bankruptcy plan to resolve debts for a client who lost all of her business files on September 11th because she had stored them in the World Trade Center.

Innovation Description

Program Name: Legal Aid Bureau, Inc.

Address: 500 E. Lexington Street, Baltimore, MD 21202

Phone: (410) 539-5340

Fax: (410) 539-1710

Email: dhatcher@mdlab.org

Program Director: Wilhelm Joseph, Executive Director

Contact Person: Daniel Hatcher or Toni St. John

Subject Area: Child Support

Project Title: Child Support/Barriers to Employment

A. Problem:

Low income non-custodial parents in Baltimore City often face child support obligations that pose barriers to employment and economic stability. Types of barriers include child support orders that do not reflect ability to pay and discourage work, unmanageable arrears, driver's license suspensions creating barriers to work, inappropriate contempt actions leading to loss of employment due to lock-up, and improper wage garnishments and tax refund intercepts. In many cases, the custodial parent has received welfare assistance which mandates the assignment of child support to the state. The result is often large child support arrearages owed to the state rather than to the children – creating a confusing enforcement and distribution system. Non-custodial parents are even further discouraged from working and paying support when they know the payments go to the state rather than to their children. Even when non-custodial parents have been reunified with their children for several years, the state continues its enforcement actions to collect state-owed child support, directly harming the children.

B. Innovation:

Funded by the Abell Foundation, the project has been developed with a three-pronged advocacy approach. First, the project handles significant numbers of individual cases involving child support issues that create barriers to employment. Second, the project conducts outreach and trainings for staff and participants of programs that provide employment services to non-custodial parents. Third, subject to restrictions, the project responds to requests to educate groups regarding child support/barriers to employment policy issues.

C. Result:

The project has provided representation to hundreds of low-income non-custodial parents. In many cases, the project's representation has directly assisted the clients in getting or keeping jobs, improved the clients' economic stability, and helped get more child support to children. The project was recently successful in an important appeal recognizing the right to appointed counsel in child support contempt actions, and the project is currently involved in litigation seeking a means to set-aside state-owed child support arrears when obligors have reunified with their children. The project has also developed important relationships with the workforce development system, including One-Stops, welfare to work initiatives, and programs serving at-risk-youth.

D. Replication:

This is an important project to consider adding to other state legal services programs. Low-income non-custodial parents are one of the most underserved and least politically favorable groups – the barriers they face resulting from unrealistic child support obligations can block their struggle for economic stability, and can harm the very children for whom the child support is supposed to be about.

E. Materials Available:

Outreach pamphlets attached.

Locations of Legal Aid Bureau Offices

Baltimore Offices

Baltimore City
500 East Lexington Street
Baltimore, MD 21202
(410)539-5340
(800)999-8904
(800)458-5340 TTY

Cherry Hill
Cherry Hill Neighborhood Ctr.
606 Cherry Hill Road
Baltimore, MD 21225
(410)355-4223

Other Maryland Offices

Anne Arundel County
229 Hanover Street
Annapolis, MD 21401
(800)666-8330

Baltimore County
29 W. Susquehanna Ave.
Suite 305
Towson, MD 21204
(410)296-6705
(800)367-7563

Lower Eastern Shore
Wicomico, Dorchester, Worcester, Somerset
111 High Street
Salisbury, MD 21801
(800)444-4099

Metropolitan Maryland Prince George's
6811 Kenilworth Avenue
Calvert Bldg., Suite 500
Riverdale, MD 20737
(888)215-5316

Montgomery
14015 New Hampshire Ave.
Silver Spring, MD 20904
(301)879-8752

Howard
3451 Court House Dr, 2nd
Ellicott City, MD 21043
(410)480-1057

Midwestern Maryland
Frederick, Carroll & Washington
22 South Market Street, Suite 11
Frederick, MD 21701
(800)679-8813
(800)763-4152 TTY

TTY available in all offices

Northeastern Maryland
Harford, Cecil
5 North Main St, Suite 200
Bel Air, MD 21014
(800)444-9529

Southern Maryland
Charles, St. Mary's, Calvert
15364 Prince Frederick Road
Hughesville, MD 20637
(301)932-6661 Charles
(301)884-5935 St. Mary's
(410)535-3278 Calvert
(301)843-5850 D.C.

Upper Eastern Shore
Queen Anne's, Caroline, Kent, Talbot
Tred Avon Square, Suite 3
210 Marlboro Road
Easton, MD 21601
(800)477-2543

Western Maryland
Allegany, Garrett
110 Greene Street
Cumberland, MD 21502
(301)777-7474 Allegany
(301)334-8832 Garrett

Statewide

Nursing Home & Assisted Living Programs
(800)367-7563

Farm Worker Program
(800)444-4099

Maryland Senior Legal Hotline
(800)999-8904

Housing Preservation Program
(800)999-8904

Revised 8/2000

WHAT YOU NEED TO KNOW ABOUT CHILD SUPPORT: *How Payments Are Calculated*

Legal Aid Bureau, Inc.

Maryland

(410) 539-5340

(800) 999-8904

(800) 458-5340 TTY

<http://www.mdlab.org>



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Revised 8/2000

How Child Support Payments Are Calculated

In Maryland, set guidelines must be used in calculating how much child support a non-custodial parent must pay. Maryland's guidelines attempt to estimate the percentage of income that parents would spend on children if the parents were living in the same household. Maryland's guidelines use the following steps to determine a child support obligation:

1. Each parent's actual monthly income is determined. If a parent is not working and has no other form of income, the court can still assign income if it finds that the parent has the ability to work. Each parent's actual or assigned income can sometimes be reduced by the parent's other child support or alimony obligations or the parent's costs of providing health insurance for a child.
2. Both parents' incomes or potential incomes are added together. This combined number is used to determine from the guidelines a basic child support obligation for the combined income.
3. The non-custodial parent is then obligated to pay a percentage share of the combined income to the custodial parent. If the parents share custody, the amount of the child support obligation may be less.
4. A court can also order that the non-custodial parent pay an additional amount for certain medical, school, transportation and day care expenses and for health insurance for a child.

Can Child Support Be Lower than the Guidelines?

It is very difficult to get child support set at a lower amount than calculated according to the guidelines. To do so, the non-custodial parent must convince the court why following the guidelines would be unjust or inappropriate and **why a lower amount of child support is in the child's best interests**. For example, a non-custodial parent may need to lower the amount of support to allow more time to get training or education for a more stable income.

Do You Have To Go to Child Support Hearings?

Yes, you should attend any scheduled hearing on your child support. Otherwise, the court may issue an order that assigns income to you that is not correct. You can also be held in contempt of court if you miss a court hearing. **You should understand that you do not have to agree to an amount of child support at the child support office.** If you do not agree with how much is being recommended at the child support office, you can request a court hearing to determine the correct amount.

The Legal Aid Bureau, Inc., established in 1911, provides free civil legal services to eligible low-income people throughout Maryland. Among its services, Legal Aid provides outreach and limited representation to non-custodial parents where child support issues cause barriers to employment.

Revision date 9/30/02. Remember: The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Locations of Legal Aid Bureau Offices

Baltimore Offices

Baltimore City
500 East Lexington Street
Baltimore, MD 21202
(410)539-5340
(800)999-8904
(800)458-5340 TTY

Cherry Hill
Cherry Hill Neighborhood Ctr.
606 Cherry Hill Road
Baltimore, MD 21225
(410)355-4223

Other Maryland Offices

Anne Arundel County
229 Hanover Street
Annapolis, MD 21401
(800)666-8330

Baltimore County
29 W. Susquehanna Ave.
Suite 305
Towson, MD 21204
(410)296-6705
(800)367-7563

Lower Eastern Shore
Wicomico, Dorchester, Worcester, Somerset
111 High Street
Salisbury, MD 21801
(800)444-4099

Metropolitan Maryland Prince George's
6811 Kenilworth Avenue
Calvert Bldg., Suite 500
Riverdale, MD 20737
(888)215-5316

Montgomery
14015 New Hampshire Ave.
Silver Spring, MD 20904
(301)879-8752

Howard
3451 Court House Dr, 2nd
Ellicott City, MD 21043
(410)480-1057

Midwestern Maryland
Frederick, Carroll & Washington
22 South Market Street, Suite 11
Frederick, MD 21701
(800)679-8813
(800)763-4152 TTY

TTY available in all offices

Northeastern Maryland
Harford, Cecil
5 North Main St, Suite 200
Bel Air, MD 21014
(800)444-9529

Southern Maryland
Charles, St. Mary's, Calvert
15364 Prince Frederick Road
Hughesville, MD 20637
(301)932-6661 Charles
(301)884-5935 St. Mary's
(410)535-3278 Calvert
(301)843-5850 D.C.

Upper Eastern Shore
Queen Anne's, Caroline, Kent, Talbot
Tred Avon Square, Suite 3
210 Marlboro Road
Easton, MD 21601
(800)477-2543

Western Maryland
Allegany, Garrett
110 Greene Street
Cumberland, MD 21502
(301)777-7474 Allegany
(301)334-8832 Garrett

Statewide

Nursing Home & Assisted Living Programs
(800)367-7563

Farm Worker Program
(800)444-4099
Maryland Senior Legal Hotline
(800)999-8904

Housing Preservation Program
(800)999-8904

Revised 8/2000

WHAT YOU NEED TO KNOW ABOUT CHILD SUPPORT: *Modifications*

Legal Aid Bureau, Inc.
Maryland

(410) 539-5340
(800) 999-8904
(800) 458-5340 TTY
<http://www.mdlab.org>



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Revised 8/2000

Child Support Modifications

You can seek to change the amount of child support ordered by a court if you think it is incorrect. For example, the income of either parent may have changed, you may have lost your job or become disabled, or you may become incarcerated and unable to pay.

How to Seek Modification of Your Child Support Order

There are two ways you can try to change a child support order.

Once every three years, either parent has the right to request the child support enforcement office to conduct a review of the child support order for possible modification. If you make your request for a review and modification, you should put your request in writing and be careful to keep a copy for yourself as proof that you made the request. You should explain why you are requesting the review, sign and date it, and include your child support case number and other identifying information on the request.

Either parent can also, at any time, file a motion to modify an existing child support order. You should file the motion in the court which issued the child support order.* For Baltimore City cases, motions can most likely be filed in the clerk's office, paternity division (Room 441, Clarence Mitchell Courthouse, (410) 333-3738), or in the clerk's office, family division (Room 462, Courthouse East, (410) 333-3711). You may need to check both offices. To be successful in getting a child support order changed, you must show that a "material change in circumstances" has occurred since the most recent order was signed. Examples of changes can include such things as losing your job, having your income reduced, becoming disabled, and becoming incarcerated.

* *The Pro Se office* can often provide forms and limited help to people filing court documents without a lawyer (Room 232 Courthouse east, (410) 396-6925)

Generally, You Cannot Change Past Owed Child Support

It is important to understand that the law does not allow retroactive modifications of child support. This means that, with limited exceptions, you can try to change your child support obligations only from the date you file a motion to modify child support. You generally cannot go back and change past amounts of child support due even if you can show that you could not pay the past support for good reasons. Therefore, **if changes occur, it is important that you file your request to modify child support right away.**

What If You Are in Jail or Prison?

If you go to jail or prison and you have an existing child support obligation, the child support you owe will continue to accrue while you are in jail. **To stop or reduce the child support while you are in jail, you must file a motion to modify child support.** You will likely not be able to go back and change past amounts of child support owed once you get out of jail. You should notify both Child Support Enforcement and the court that you are in jail and request modification of your child support. Be sure your child support and court case numbers are on the requests and keep a copy for yourself as your proof of sending them.

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Lower Eastern Shore
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Metropolitan Maryland Prince George's
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Farm Worker Program
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Maryland Senior Legal Hotline
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Housing Preservation Program
(800)999-8904

Revised 8/2000

WHAT YOU NEED TO KNOW ABOUT CHILD SUPPORT: *Driver's License Suspensions*

Legal Aid Bureau, Inc.

Maryland

(410) 539-5340

(800) 999-8904

(800) 458-5340 TTY

<http://www.mdlab.org>



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Driver's License Suspensions

Once you have been issued a court order to pay child support, you can be "punished" in various ways for falling behind. For example, you may be put in jail for contempt, your tax refunds may be intercepted, your wages may be garnished, your child support obligations may be reported to credit reporting agencies, and your driver's license may be suspended.

The purpose of this pamphlet is to describe how your driver's license may be suspended when you are behind on child support and options you may have to deal with the suspension.

Appealing Decisions To Suspend Your License

If you are 60 days or more behind on your child support obligation, the Child Support Administration is supposed to notify the Motor Vehicle Administration (MVA), which will then suspend your driver's license. However, before notifying the MVA, the **Child Support Administration must send you written notice** that includes an explanation of **your right to request an investigation** if you disagree with the suspension.

It is important that you do not miss the deadline stated in the notice.

Be sure to date your request for investigation and keep a copy for your records. The Child Support Administration must then conduct an investigation and send you a notice of the results. The notice should explain **your right to further appeal if you disagree with the decision**. Date your appeal request and keep a copy for your records.

Reinstatement of Your Driver's License

If your driver's license has already been suspended, you can also try to **file a motion to reinstate your driver's license** with the court which issued the child support order. You should include in your motion why you think the suspension is in error and/or why you believe it is in your children's best interests for your driver's license to be reinstated. For example, you may need your license to complete training school. You may also wish to try to work out an agreement with the Child Support Administration where they may accept a partial lump sum payment along with a modified payment plan.

The Child Support Administration must tell the MVA to reinstate your license once the arrearages are paid in full or if you have "demonstrated good faith" by paying the ordered amount of support for 6 consecutive months after the suspension.

Getting a Work-Restricted License

If you are currently working and your driver's license has been suspended, you can **request a work-restricted driver's license**. To do this, you should obtain a letter from your employer verifying your employment. Next, contact your agent at your local child support enforcement office and arrange a meeting to present the proof of employment and request a work-restricted license. The Child Support Administration should then provide you with the paperwork to take to the MVA to get the restricted license.

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Innovation Description

Program Name: Queens Legal Services Corporation

Address: 8900 Sutphin Boulevard, Jamaica, NY 11435, 2nd Floor
42-15 Crescent Street, Long Island City, NY 11101, 9th Floor

Phone: 718-657-8611 (Jamaica) or 718-392-5646 (Long Island City)

Fax: 718- 526-5051 (Jamaica) or 718-937-5350 (Long Island City)

Email: KatzCR@queenslegalservices.org

Program Director: Carl O. Callender, Esq.

Contact Person: Cindy R. Katz, Esq.

Subject Area: Community Outreach & Education

Project Title: The People's Law School

A. Problem:

Queens Legal Services Corporation identified many problems within the community relative to its identity and the needs of the community. These problems included:

- Lack of awareness of the services provided by QLSC in the community it serves and among other service providers within the community,
- Lack of knowledge within the low income community of its legal rights with respect to housing, consumer issues, family law, education, and government benefits keeping the pro se litigant ineffective and subject to abusive practices,
- Lack of available training for lay advocates to assist their clients in areas where the services of an attorney may not be necessary and to recognize when referral is appropriate, and

B. Innovation:

Queens Legal Services Corporation developed a program called The People's Law School, to enlarge its availability as a resource and its identity within the community. The People's Law School consists of:

- a speaker's bureau - experienced attorneys, paralegals and social workers are made available for community education presentations to various civic associations, lay advocacy training to the staffs of community based social service providers, and pro se workshops hosted by community based service

providers for their consumers and also the Queens Borough Public Library in many of its 62 neighborhood branches for anyone interested in attending.

- publication of a quarterly newsletter and when appropriate articles in local community newspapers and other service provider newsletters. Each edition of QLSC's quarterly newsletter, ***Community Views*** contains at least three articles on substantive areas of law as well as information about QLSC activities and intake procedures. Every issue also features a different community based organization servicing Queens residents.
- preparation and distribution of legal information brochures,
- participation in information fairs,
- participation in borough wide and city wide committees and events with other non profit community based service providers. QLSC staff members participate in task forces in their respective substantive areas of practice and are members of community advisory boards, and other collaborative efforts (Queens Task Force on Domestic Violence; Queens Task Force on Housing; Walk to End Domestic Violence; Mt. Sinai Queens Center for Occupational and Environmental Medicine, Queens Supreme Court Access to Justice Committee and Committee to Promote the Public Trust) to bring services to the low-income community.
- collaborating with other area service providers to host conferences and seminars. On April 20, 2002, QLSC held its second annual fair housing conference with co-sponsors the NY Urban League-Queens, the NAACP-Jamaica Branch, and the Queens County Bar Association. The conference included presentations on a variety of housing topics, including Predatory Lending, Home Improvement Contractors and Scams, Landlord Tenant Rights and Responsibilities, and Illegal Apartments, and Information tables staffed by the presenting agencies and others. Representatives from the private bar, city and state agencies, and housing nonprofits and bank mortgage departments participated. NYS Senator Malcolm Smith and City Council Members Leroy Comrie and Allan Jenkins, addressed the attendees on issues of affordable housing, illegal apartments and predatory lending. More than 100 community residents attended the Saturday event.

QLSC has partnered with Citibank's Community Lending Department to hold quarterly homebuyer's seminars throughout Queens. Citibank representatives speak on mortgage products and application process. QLSC attorneys educate the attendees on issues of predatory lending in the home buying and home improvement financing process. Neighborhood Housing Services, a nonprofit, informs the attendees of programs that would qualify low-income homebuyers for lower down payments and interest rates. 14 community residents who learned of it through flyers and web site announcements attended the first seminar, held in June 2002. The next seminar scheduled for November, 2002 will be hosted by newly elected City Council Member Hiram Monserrate, the first Latino elected to the City Council from Queens, in his predominantly Latino district.

C. Result:

Within a short period of time, word spread throughout the community and The People's Law School receives unsolicited requests for addition to its mailing lists and for presentations to community based service providers and other civic and religious groups. Local elected officials do not confuse Queens Legal Services Corporation with the Legal Aid Society as often as before. Expansion of the People's Law School to provide regularly scheduled, in depth, lay advocacy trainings is being planned.

D. Replication:

This project is easily replicated. It requires at least one full time staff person to write, edit and publish the newsletter; to coordinate staff with speaking requests; to plan, organize and market conferences and other events, etc.

E. Materials Available:

Most recent edition of *Community Views*. Flyers advertising Domestic Violence Conference.

QUEENS LEGAL SERVICES CORPORATION &
YORK COLLEGE WOMEN'S CENTER

INVITE YOU TO ATTEND

*Domestic Violence:
The Community &
The Court's Response*

Wednesday, November 6th, 2002

5:30 pm to 8:30 pm

York College Faculty Dining Room

94-20 Guy R. Brewer Boulevard, Jamaica

Free admission, parking and refreshments

Gain insight into what is being done, through both the establishment of community networks and the legal process, to assist victims in regaining their independence.

Panelists include representatives from *Barrier Free Living, The Battered Womens' Rights Clinic at CUNY Law School, New York Asian Women's Center, Sakhi for South Asian Women, the Queens District Attorney's Office, Queens Legal Services Corporation, and York College Women's Studies Department.*

Topics will include: Historical Perspectives of Domestic Violence in Our Society, Culturally Sensitive Services Available in the Community, Obtaining Orders of Protection and Other Relief in Family and/or Supreme Courts, Immigration Issues for Victims of Domestic Violence, Prosecuting Batterers for Violating Protective Orders, and Resolving Child Custody, Support, and Visitation Issues.

To Register or To Obtain Additional Information

Call 718-392-5646 ext. 40 or

email KatzCR@queenslegalservices.org

Queens Public Television will be videotaping the conference for future broadcasts.

THE PEOPLE'S LAW SCHOOL COMMUNITY VIEWS

October 2002

QUEENS LEGAL SERVICES CORP.- ENSURING EQUAL ACCESS TO JUSTICE FOR THE PEOPLE OF QUEENS

From the Board of Directors:

PROTECTING CLIENT CONFIDENCES

By Joseph Farber, Chairperson

The privilege of confidentiality that attaches to communications between an attorney and client has long been regarded as a fundamental concept of the common law. The promise of confidentiality is hoped to foster complete honesty thereby making the assistance rendered by the attorney meaningful and complete. It is part of the NYS Bar Association's Lawyer's Code of Professional Responsibility. The privilege prohibiting an attorney from disclosing client confidences has been made part of both the New York State Rules of Evidence as well as the Federal Rules of Evidence. For these reasons, attorneys strictly guard client confidences and will not disclose them without the client's full understanding of the consequences and his explicit consent.

In 1999, one of QLSC's largest funding sources, The Legal Services Corporation, demanded that we provide it with lists of our clients' full names, their case numbers and the nature of the problem which brought them to our offices seeking assistance. QLSC refused citing the prohibition against disclosing client confidences without their knowledge and consent. The Legal Services Corporation threatened to terminate our funding unless we complied.

QLSC sought the advice of highly regarded legal ethics experts. Only after these experts concurred that revealing client names together with the nature of their legal problems, would in their opinions constitute disclosure of client confidences, did it become apparent that this issue would not be quickly resolved. QLSC had no alternative but to file a civil action in the District Court for the Southern District of New York seeking a declaratory judgment prohibiting disclosure of client names and legal problems and injunctive relief prohibiting The Legal Services Corporation from

Continued on p. 5

Community Spotlight:

THE NEUROSCIENCE INSTITUTE OF NEW YORK HOSPITAL QUEENS

Have you been told that you snore? Do you often feel tired or have a headache when you awaken in the morning? Do you frequently awaken during the night? Have you been told that you have pauses in your breathing when you sleep? Do your legs jerk frequently or feel uncomfortable or restless before sleep? Do you find yourself falling asleep when you don't intend to? An answer of "Yes" to two or more of the above questions suggests that you might benefit from a sleep test to determine if you suffer a sleep disorder. This is just one of the many services available in the Sleep Disorder Center, one of eight programs available through **The Neuroscience Institute of New York Hospital Queens**.

Established in the Spring 1999, after many years of planning, **The Neuroscience Institute of New York Hospital Queens** is the first facility in the borough to provide compassionate and specialized care to people suffering from disorders or diseases of the brain and central nervous system. Here specialists in neurology, psychiatry, neuro-radiology, neurosurgery and physical medicine and rehabilitation, working closely together, utilize a team approach and state of the art facilities to diagnosis and treat people with neurological disorders.

Its location was chosen because of the area's population density. There are more than 1.2 million residents over the age of 45 within a 7.5-mile radius of **The Neuroscience Institute of New York Hospital Queens**. People over the age of 45 are hardest hit with neurological diseases.

Under the direction of Emilio Oribe, MD, **The Neuroscience Institute of New York Hospital Queens** has grown from its original services, general

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Queens Legal Services Corporation 1

Queens Legal Services Corporation

8900 Sutphin Boulevard
Jamaica, New York 11435
Telephone: 718-657-8611
Fax: 718-526-5051

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Howard Lane, Esq., Vice-Chairperson
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Randolph Petsche, Esq., Director, Housing Unit (Jam)
Florence Roberts, Esq, Director, Family Law Unit
Lisa Isaacs, Esq., Director, General Practice Unit

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Staff Attorneys, Legal Assistants & Social Workers:

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Education: Tara Foster, Esq., Ghita Schwarz, Esq.,
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Nancy Masmela, LA, Rachel Putterman, Esq.,
Debra Sambataro, Esq.
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Jessiah Holman, LA, Adrienne Ortiz, LA,
Lisa Torres, SW, Vania Tseng, Law Grad.
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Sandra L. Arias, Staff Secretary
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Luis Espinar, Process Server
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Bibi Rahaman, Executive Secretary
Ana Rodriguez, Receptionist/Intake Officer
Carmen Rodriguez, Receptionist/Intake Officer

From the Executive Director:

**HELPING IN THE RECOVERY
EFFORTS**

Carl O. Callender, Esq.

As New York City memorializes those lost in the terrorist attack of September 11, 2001 and praises the thousands who volunteered their time, effort and financial assistance to the recovery efforts, QLSC is proud to continue its contribution to the city's recovery.

Almost immediately, it was apparent that Queens County would not emerge unscathed by the attacks. Over 40% of Queens residents are recent immigrants who are uncomfortable with the English language, are unsure of their rights in this country, and come from cultures that discourage seeking support, advice or aid. Against this backdrop of language, cultural and economic difficulties, 6,000 Queens residents told the NYS Department of Labor that they lost their jobs because of the September 11th attacks. In addition, the airline industry, which provides more than 36,000 jobs in Queens County, home to New York City's two international airports was particularly hard hit.

QLSC has been providing direct legal assistance to individuals affected by the September 11, 2001 terrorist attacks through individual advice and representation, and through community legal education directed at potential clients as well as the clients and staff of other community based service providers, civic associations, police precinct community councils, the Queens Borough Public Library and other neighborhood associations.

In the past year, QLSC has provided direct advice and representation to more than forty Queens families who lost a loved one or a job as a result of the September 11th attacks. These cases run the gamut of legal problems, including consumer debt, family law, public assistance, Social Security and Supplemental Security Income disability benefits, and unemployment insurance benefits. However, the majority of families seeking assistance are trying to prevent their eviction from their homes for non-payment of the rent.

Countless others have been assisted through QLSC's community education and outreach activities. QLSC's staff has participated in more than fifty community legal education events. Many of those events were devoted to informing individuals and the staffs of community based agencies to the different types of September 11th related emergency assistance, including disaster relief Medicaid, FEMA Mortgage and Rental Assistance, Disaster Unemployment Insurance Benefits, etc.

One year later, QLSC is still receiving referrals and new clients are emerging daily as Queens residents struggle to keep their families and homes intact. As the largest provider of free legal services in the county, QLSC remains well positioned to assist the residents of Queens in this crisis. If you are aware of any individual in Queens who needs our help, we are eager to receive them and direct them on the path to rapid recovery.

VICARIOUS TRAUMA AND COMPASSION FATIGUE

The following material was prepared by Jeffrey R. Dion, Deputy Director of the National Crime Victims Bar Association and Lara J. Murray, Director of Victim Services for the National Center for Victims of Crime. While it focuses on attorneys assisting September 11th victims, it is relevant to all professionals who work with victims of crime, terrorism, abuse and trauma, including the trauma of living in poverty in the world's wealthiest nation. It is reprinted here with their permission.

Attorneys representing September 11th victims will be working closely with these victims and will need to be familiar with the details of the trauma the victims suffered. Representing these victims will be different from the usual personal injury claim because, unlike another plane crash, horrific accident or sexual assault, from which the attorney is detached, these victims will be expressing trauma resulting from events for which the attorney has his or her own memories, experiences and emotions. This commonality will put attorneys at greater risk for "vicarious traumatization" and "compassion fatigue." Vicarious trauma is a stress reaction experienced by professionals who are exposed to traumatic images by clients, in which the professionals themselves begin to experience symptoms of posttraumatic stress disorder. Compassion fatigue is the culmination of the negative effects of over empathizing with victims. September 11th was a disaster unlike any other because most of the country, including attorneys, watched these events unfold on television or in person. All attorneys who work with September 11th victims, even those who consider themselves "grizzled veterans," must be aware of vicarious trauma and compassion fatigue, recognize the symptoms, and learn how to prevent the conditions or seek professional assistance.

Attorneys are at risk for vicarious traumatization and compassion fatigue simply because they are human beings who are exposed to other people's trauma. In fact, the empathy which makes certain attorneys ideal candidates to work with September 11th victims, may also put them at a greater risk of experiencing some of the negative effects of that empathy. Those effects can be insidious and demoralizing, making the attorney feel cynical.

Many attorneys may feel that they cannot be impacted because they have developed a "thick skin" after working with numerous clients who had suffered terrible injuries. Some may refuse to admit that they are vulnerable. Others may feel the need to put a protective barrier around themselves to cope with the suffering they face everyday, afraid to open a Pandora's box of emotions. Also, because of the legal

profession's emphasis on confidentiality, attorneys may not be accustomed to going home and talking with spouses or friends about their work. Attorneys are as much at risk for being personally affected by their work with trauma victims, as are other professionals.

Attorneys may be experiencing compassion fatigue when they are weary of trying to help, when the clients and their stories impact the attorney so strongly that they are not able to let go of it. The attorney may be experiencing the more serious vicarious trauma when he begins to feel overwhelmed and seeks to distance himself from his own feelings. This is also known as counter transference because the attorney develops symptoms of the trauma suffered by the victim, which was transferred to the attorney. Alternatively, the attorney may over identify with the victim or may become over involved in trying to help. The attorney may have an increasing sense of responsibility to help the victim. All of these feelings can make it more difficult for the attorney to effectively represent the client.

It is natural for people to react to powerful stories. They can stir up an attorney's own feelings about September 11th which may lead to over identification with the victim and being overwhelmed by the difficult realization that what happened to that victim might just as easily have happened to themselves. Because attorneys are working with September 11th victims in a professional capacity they may feel pressured that they have an individual responsibility to make that victim whole. The key to effective representation of September 11th clients that is also healthy for the attorney is to be empathetic to the clients without being overwhelmed by the magnitude of their suffering.

Attorneys may be affected by the trauma of September 11th through either direct exposure (such as being in Manhattan and witnessing the events of watching it live on television) or through secondary exposure (hearing a story of a victim-client). Attorneys should be aware of some of the symptoms of compassion fatigue and vicarious trauma so that they can recognize in themselves any symptoms presented.

Symptoms of compassion fatigue include loss of sense of humor, angry and/or resentful feelings, and feeling overwhelmed or burnt out. Symptoms of vicarious trauma include eating or drinking disorders, sexual disorders, sleep disorders, psychosomatic problems (headache, rashes, change in bowel habits, etc.), dreaming of the victim's experience, feeling like you are going crazy, feeling isolated and alone, and any other post traumatic stress disorder symptom based on the client's experience.

Attorneys should be proactive to maintain their emotional resilience and professional efficacy. Every

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REFRESHING OUR RECOLLECTIONS

Like the staffs of other community service providers, the attorneys, paralegals and support staff of QLSC chose to dedicate themselves to helping others. Sometimes however, we lose sight of the reasons we chose the work we do. This past summer we were fortunate to have two interns who so eloquently reminded us. We are grateful to them not only for the work they assisted us in doing, but also for reinforcing our decision to continue doing the work we do.

September 6, 2002

As my summer at QLSC comes to an end, and I look back on my experiences, I realize that my time here has taught me a tremendous amount about the law, life and myself. There are several aspects of my internship that stand out to me as extraordinary, fulfilling and unforgettable.

First, as I have been given opportunities to delve more deeply into the lives of the clients at QLSC, I have discovered the immense need that most poor people have for legal representation. This is something that I had previously taken for granted. As a native of Queens, I thought that I had a good understanding of the problem of poverty but this summer I was proved wrong. It was a hundred more times more enlightening to actually get involved in people's lives, speak with them personally, see them face-to-face, and be a part of helping them. Through these experiences I was better able to understand how issues of poverty, age, race, health and mental capacity often compound to create a class of people who are hard pressed to find viable opportunities to succeed. I had never before considered or seen how all of these factors could combine to have an enormous influence over a person's life chances. Although I have always had the sense that I want my life to be about helping others, my time at QLSC this summer has intensified my desire to make an impact on the lives of the very people most of the world chooses to ignore. The contrast between the people I encountered at QLSC and those I encounter at Princeton is a stark reminder of the persistence of inequality and a strong impetus to get personally involved in the battle against it.

Continued on p. 5

Honoring Volunteerism Leads to Lasting Memorial

In November 1997, the United Nations General Assembly proclaimed 2001 as the International Year of the Volunteer (IYV). Its purpose was to increase recognition, facilitation, networking, and promotion of volunteerism and to encourage more people globally to engage in volunteer activity. NYC was the first city to mobilize for IYV deciding that each borough form its own committees and celebrations. A representative from Amsterdam's IYV Committee attended the NYC Committee meetings in solidarity with its historic sister city.

The Queens Committee was formed soon after and decided on a festival in Flushing Meadow Park to honor and promote volunteerism. The Queens Directors of Volunteers in Agencies, a network of volunteer coordinators in agencies throughout Queens County, in existence since 1993, assumed an active role in the Queens Committee and planning for the festival. Volunteers, who lived or performed their service in Queens, were all invited to a day of free music and entertainment, including free admission to the Queens Museum, the Queens Zoo, and the New York Hall of Science. Hundreds of volunteers and their families attended, as did a representative from the United Nations IYV Committee and the Amsterdam Committee.

At the time neither the General Assembly nor the members of the NYC, Queens and Amsterdam Committees had any idea how prophetic the United Nation's proclamation would become. The horrors of the attacks on the World Trade Center, The Pentagon and the averted attack in Pennsylvania, unlike any other events in our history, demonstrated to the world the importance of volunteerism. Then, a still stunned City experienced another horror. On November 12, 2001, American Airlines Flight 587, bound for the Dominican Republic, crashed into the neighborhood of Belle Harbor, Queens. All aboard the plane and five Belle Harbor residents perished. Volunteers played a crucial role in assisting the survivors of this tragedy as well.

Having not yet completed its celebrations, and recognizing the need for a larger exchange of ideas, the Amsterdam Committee invited members of the NYC and Queens Committees to Amsterdam. From December 13 to 16, 2001 a delegation of members of the NYC and Queens Committees, as part of the IYV, visited Amsterdam, Netherlands on an information exchange visit. While there, the delegation visited several community based programs, met with local government officials and forged an agreement to foster volunteerism as a vital tool for social change.

One of the neighborhoods visited, the Bijlmer, was the site of a tragic air disaster. On October 4, 1992, an El Al Airline's Boeing 747 cargo plane crashed into a large apartment building, causing the deaths of 43 people. Forty of the victims were residents of the apartment building. Many more residents were injured. The survivors and rescue and recovery workers, many

Continued on p. 8

Client Confidences, continued from p. 1

terminating our funding. The Legal Services Corporation sought to enforce the subpoena it issued for this information and filed a related lawsuit in the Federal District Court for the District of Columbia. Both courts have issued their opinions, finding that disclosure of the information would not violate client confidences.

These rulings will have a chilling impact on the desire of low-income residents to seek information about their legal rights. Prospective clients, when advised that their identities and the nature of their legal problems may have to be disclosed to government auditors, will feel less inclined to seek assistance and advice. Private attorneys would never be asked to disclose the reasons a particular client sought their advice and counsel. Requiring QLSC and other legal services providers who receive government funding to do so creates a discriminatory and divisive civil justice system. Legal consumers who can afford to pay a private attorney will reap the benefits of attorney client confidentiality. However, legal consumers who cannot afford to pay a private attorney run the risk of having their confidences disclosed at the whim of government auditors. Our clients, whose cases were randomly selected by the Legal Services Corporation auditors, were never advised that their confidences may be disclosed and have not been given the opportunity to personally challenge the demand for disclosure. That is why we feel it necessary to continue this battle on behalf of our past and our prospective clients. An appeal to the Second Circuit Court of Appeals challenging the District Court's recent decision will be filed and vigorously pursued.

A Special Thanks To Our Supporters

As part of the national Legal Services Corporation, QLSC receives a substantial portion of its operating funds from the federal government. We also have contracts with several city and state agencies. However, QLSC could not service as many as it does without the generous support it receives from private contributors. QLSC wishes to acknowledge all those supporters and extend a heartfelt "thank you" to them, including those who wish to remain anonymous. Unfortunately, space does not allow us to thank individual donors.

The Hyde & Watson Foundation
The McCormick Tribune Foundation
Fleet Bank
Greenpoint Foundation
New York Community Trust
Queens County Bar Association
Ridgewood Savings Bank
Vanguard Investors, Ltd
Design Industry Foundation Fighting AIDS
H.Van Ameringen Foundation

Refreshing Recollections, continued from p. 4

Another lesson I learned at QLSC was the value of a positive working environment, filled with people who truly care. Honestly, not everyone I met had the heart and personal motivation to do the work that is required. However, it was not difficult for me to tell the difference between those that did and those that did not. Furthermore, it was not hard for me to see the superior quality of the work done by attorneys and legal assistants who were doing what they loved. Observing these patterns has taught me about the direction I want to take in my own life. I now know that in order for me to grow the most and perform my best I need to do something I find personally satisfying. As I look on to my future, I appreciate the importance of evaluating my motivations and goals and using them as my guide for making career choices.

There are many more things that my internship this summer has taught me, but for the sake of brevity I could not possibly recount each of them. However I do want to extend my deepest and most sincere thanks to you, Mr. Callender, for giving me the opportunity to have an exceptionally rewarding and educational summer here at QLSC. I knew after our first meeting that I could learn a tremendous amount from you. I was struck by your composure, kindness, honesty, and caring. I consider myself indebted to you and look forward to future opportunities to work under and learn from you.

Very truly yours,
Jamila Celestine

August 15, 2002

As a student that attends a prep school in an affluent New England town, I have formed personal relationships with some of the 4% of the American population that possess approximately 96% of American wealth. Though I have always been aware of the disparity in the distribution of wealth in this country, especially in this city, working this summer at QLSC obliterated the anonymity of "the less fortunate." Working on specific cases, seeing the clients face to face and hearing their voices only reinforced capitalism's greatest fault: that poverty is inevitable in our society. I enjoyed working with and being in the presence of lawyers willing to go the extra mile for clients who were often desperate. The incredible work ethic and dedication displayed in the office was both motivational and inspirational. Thanks for making the summer worthwhile.

Alethea White

Upcoming PLS Events

10/8/02	City Councilman James Sanders Hosts Senior Day Elder Law Issues Bridge Senior Center
10/9/02 10:00 am	Elder Law Issues Woodside Senior Center
10/17/02 2:00 pm	Immigration Status & Eligibility for Government Benefits Queens Independent Living Center
10/22/02 Noon	Domestic Violence Legal Clinic York College Women's Center
10/24/02 12:30 pm	Protecting Oneself from Domestic Violence Holliswood Hospital
11/1/02 Noon	Dealing with Consumer Debt Queens College Center for Unlimited Enrichment
11/6/02 5:30 pm	Domestic Violence: The Community & The Court's Response York College Faculty Dining Room
11/7/02	Social Security & SSI Disability Urban Justice Center
11/8/02 Noon	Estate & Disability Planning Queens College Center for Unlimited Enrichment
11/14/02 12:30 pm	Social Security & SSI Disability Holliswood Hospital
11/14/02 2:00 pm	Housing Discrimination: Rights of the Disabled to Reasonable Accommodation & Access Queens Independent Living Center
11/14/02 6:00 pm	Homebuyer's Seminar PS 19 Beacon Center

Vicarious Trauma, continued from p. 3

attorney should have a comprehensive plan to reduce the effects of compassion fatigue. Elements of the plan should include regular exercise, plenty of sleep, sufficient recreation, and opportunities to debrief stressful information.

It is critical that every attorney working with victims of terrorism have someone to talk with to process their reaction to their handling of the September 11th case, whether it is a family member, a colleague or a counselor. Communicating about the impact of the representation should be a regular and ongoing process. It is important for the attorney to counter balance the intensity of the work they do for September 11th victims with healthy habits and recreation. Attorneys should also be open to the suggestions and observations of family, friends and co-workers. If someone suggests that the attorney needs to take a break he should do so and thank that person for caring enough to suggest it. The attorney needs to be mindful of the importance of these issues to be able to maintain a healthy balance and perspective that will serve both attorney and client well.

DOMESTIC VIOLENCE: THE COMMUNITY & THE COURT'S RESPONSE

Domestic violence is a pervasive problem, affecting residents of all socio economic levels, ethnic and racial backgrounds throughout the borough. Of the five boroughs, Queens ranks second in the number of protective orders applied for in both Family and Supreme Courts. Many victims, unaware of the law and the services available through community-based organizations suffer needlessly before seeking help. Assisting victims regain their independence from an abusive personal relationship is a service long provided by the dedicated staff of QLSC's Domestic Violence Law and Advocacy Project.

On Wednesday, November 6, 2002, QLSC's Domestic Violence Law and Advocacy Project, together with the Women's Center at York College will host a free conference for the public entitled *Domestic Violence: The Community & The Court's Response*.

Representatives from service organizations including Barrier Free Living, New York Asian Women's Center, Sakhi for South Asian Women, The Battered Women's Rights Clinic at CUNY Law School, The Queens District Attorney's Office Domestic Violence Bureau and the York College Women's Studies Department will join with QLSC to provide information on a variety of topics of particular interest to victims and others who know or work with victims. These topics will include Culturally Sensitive Services Available in the Community; Obtaining and Enforcing Orders of Protection and other Relief in Family and Supreme Courts; Immigration Issues for Victims of Domestic Violence and Resolving Child Custody, Support and Visitation Issues.

We hope you will join us for this truly worthwhile event, for even if you are not personally affected chances are you have a neighbor, classmate, coworker, or family member that is. Call Cindy Katz at 718-392-5646 x. 40 for additional information about the conference or to register.

Serving the Community

Since its inception in 1968, QLSC has served the community by providing free counsel and advice and representation in areas of law most important to the Queens community. Currently, we offer assistance in the areas of housing, consumer, Social Security and SSI disability, public assistance benefits, family law/domestic violence, unemployment insurance benefits, HIV/AIDS advocacy, and education.

Services can be accessed as follows:

Housing: (Zip Codes 11101-06, 11356-58, 11367-75, 11377-79)	Monday -Friday	for eligibility screening	718-392-5646
(Zip Codes 11354-55, 11360-66, 11385, 11411-11436, 11690-97)	Mondays Monday -Friday	if served with court papers if served with Marshal's notice	Walk in 8900 Sutphin Blvd.
Public Assistance:	Mondays	10:00 am - 1:00 pm	718-482-8133
Social Security/SSI:	Tuesday -Friday	first four callers	718-392-5646
Consumer:	1st & 3rd Wednesday	2:00 pm - 5:00 pm.	718-937-7542
Unemployment Insurance:	Monday -Friday	9:00 am - 4:30 pm	718-392-5646
Education:	Monday -Friday	9:30 am - 4:30 pm	718-392-5646
HIV/AIDS Advocacy:	Monday -Wednesday	9:30 am - 4:30 pm	718-657-8611
Family Law:	Wednesdays Thursdays	2:30 pm - 4:00 pm 9:00 am -1:00 pm	718-657-3133 Walk in 8900 Sutphin Blvd.
Domestic Violence:	24 Hour Hotline		718-657-0424

We have also created the *People's Law School*. The *People's Law School* provides classes and workshops for members and staff of community based organizations, service providers, and civic and religious groups in the areas of law most often confronted by our clients. Listed below are the topics we presently offer however additional topics will be included to address emerging community concerns and, in some instances, seminars can be specifically developed to meet your group's particular needs. For further information regarding the *People's Law School* contact Cindy Katz, Coordinating Attorney at 718-392-5646 ext. 40.

Housing – tenant's rights, repairs, reduction in services, overcharges, code violations, Housing Court and New York City Housing Authority procedures, fair housing laws.

Matrimonial – separation and divorce, child custody, support and visitation; rights, remedies and protections for victims of domestic violence.

Family Preservation – parents' rights, foster care, family court abuse and neglect proceedings.

Government Benefits – public assistance, food stamps, Social Security and SSI disability benefits, Medicare and Medicaid, unemployment insurance.

Consumer – student loans, trade school fraud, debt collection, bankruptcy, mortgage foreclosure, home improvement fraud, utility shut off, etc.

HIV/AIDS – permanency planning, wills, health care proxies, guardianships, and Division of AIDS Services disability advocacy.

Education – Title I, special education, overcrowding, discrimination.

Lasting Memorial, Continued from p. 4

of who were volunteers, as part of their healing process, created a memorial of beautiful mosaics. Each mosaic was fashioned from debris found at the crash site and was created as a lasting testament to a victim, a rescuer, a survivor. The mosaics were then placed in a plaza, surrounding a tree that had miraculously survived the fire from the crash. It is called "The Weeping Tree" because it has witnessed the destruction and the tears that have since flowed from all who remember.

In a gesture of community and shared grief, the artist instrumental in working with the survivors of the Bijlmer, Ms. Akelei Hertzberger, had entrusted to the Queens Committee, a piece of their memorial, for delivery to the people of Queens.

On September 25, The Queens Committee of the IYV presented this mosaic to the Hon. Helen Marshall, Queens Borough President, as a memorial from the survivors of the 1992 plane crash in the Bijlmer, to the survivors of 2001 plane crash in Queens. The mosaic will remain on display in Queens Borough Hall were all are welcomed to visit.

Volunteer coordinators interested in joining Queens Directors of Volunteers in Agencies (QDOVIA) should call Audrey Nurse at 718-468-8025

Neuroscience Institute, continued from p. 1

neurology, multiple sclerosis and neurosurgery, to include such subspecialty programs as: The Center for Developmental Disabilities, The Comprehensive Epilepsy Center, The Stroke Service, The Multiple Sclerosis Center, The Memorial Disorders Center, The Neuro-Oncology Service, the Center for Autonomic Disorders – The Dizziness and Fainting Center, and The Sleep Disorders Center.

Outpatient facilities are community based and separately housed at 59-16 174th Street in Fresh Meadows. Patients in need of hospitalization are monitored in a new inpatient wing on the sixth floor of The New York Hospital Medical Center of Queens.

The Neuroscience Institute of New York Hospital Queens can be contacted by telephone at 718-670-1777 for all neurological concerns except for developmental disabilities. The Center of Developmental Disabilities can be contacted at 718-670-2731. Referrals are not necessary unless your particular insurance requires written referrals from a primary care physician. For those individuals who are not eligible for Medicaid or Medicare, NYHQ offers a sliding scale payment schedule based on the patient's ability to pay. Anyone wanting more information on **The Neuroscience Institute of New York Hospital Queens** or a particular neurological disorder is urged to visit its website at www.neuroscienceinstitute.org.

People's Law School
Queens Legal Services Corporation
42-15 Crescent Street 9th Floor
Long Island City, New York 11101

718-392-5646 Ext. 40

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Innovation Description

Program Name: Legal Assistance Foundation of Metropolitan Chicago

Address: 111 W. Jackson, 3rd Fl.
Chicago, Illinois 60604

Phone: (312) 341-1070

Fax: (312) 341-1041

Email: dlindsey@lafchicago.org

Program Director: Sheldon Roodman, Executive Director

Contact Person: Daniel Lindsey, Supervisory Attorney

Subject Area: Predatory Lending/Mortgage Foreclosure Prevention

Project Title: Home Ownership Preservation Project

A. Problem:

The central aim of the Home Ownership Preservation Project (HOPP) is to combat predatory lending, a phenomenon which has exploded in the past decade and is especially pernicious in the Chicago metropolitan area. Unscrupulous brokers and lenders target cash-poor, equity-rich homeowners, and induce them to sign expensive home loans including oppressive terms. Many of these borrowers default on loans they could not afford to begin with, and end up facing foreclosure and loss of their home. Minorities and senior citizens are especially hard hit by these unfair and deceptive practices.

B. Innovation:

Our project does direct intake for about 500 homeowners per year (in addition to consulting on many other cases). In each case we provide appropriate legal advice, information, and referral. In many cases, we find legal claims that can be pled in foreclosure or bankruptcy court in order to reduce the amount owed by the borrower. We file claims on behalf of these homeowners and represent them in court, seeking a judgment or negotiated settlement in an amount affordable to the client. We also do a significant amount of community legal education to raise awareness of these issues, and train housing counselors, attorneys, and other advocates to help homeowners avoid predatory loans and seek help when caught up in these loans.

C. Result:

Once we obtain a judgment or a negotiated settlement reducing the client's debt, we seek to refinance through one of two alternative loan products: the NORMAL loan program, administered by Neighborhood Housing Services of Chicago, or the Fannie Mae Alternative Loan Fund. Our project was involved from the beginning in the establishment of both of these two loan programs, which exist to help victims of predatory lending obtain refinancing on favorable terms that would otherwise not be available. When we help a client refinance using a NORMAL or Fannie Mae loan, we reduce their principal, interest rate, and monthly mortgage payments to a level they can afford on a long-term basis. In addition, a portion of the NORMAL loan funds can be used to finance necessary rehabilitation of the property.

D. Replication:

There are several other legal services programs doing these types of cases, and our project has been in touch with advocates seeking to establish new programs using this model. Most crucial to the success of any such program is the commitment of at least one full-time attorney specializing in the complicated area of consumer law, and a source of alternative loan funds.

E. Materials Available:

We have numerous pleadings and training materials that we can share upon request.

.....

The following two cases are illustrative of our project's work.

Mr. R came to us after his home had been sold at judicial sale. As is often the case, Mr. R was targeted by a shady home improvement contractor who promised to fix his house and obtain financing for him. The contractor did get financing (through a broker working out of the same office). By the time the contractor arranged the loan, it was in a much larger amount than needed: it paid off a prior mortgage and unsecured bills, and it included exorbitant fees. On top of all this, the construction work was not properly done, requiring Mr. R to spend more money to get it done right.

Nonetheless, Mr. R struggled to keep up with his payments, even on his fixed income. He managed, for a while. Then, at a time when he was forced to help a wayward "prodigal" son, he fell behind in his payments. The lender foreclosed, and his home was sold.

Nonetheless, we saw that the loan was rife with legal violations, and we filed a motion to vacate the judgment and set aside the sale. We prevailed, then filed an answer with affirmative defenses and counterclaims under federal and state law, and began negotiating with the lender. We eventually settled the case for about \$25,000 less than the lender had claimed in foreclosure.

We obtained a refinance loan through the NORMAL program. Mr. R's interest rate and monthly payments are much lower, and he will be able to remain in his home of almost 30 years.

Another case, that of Ms. S, represents that we can sometimes help a client save the home through sheer power of negotiation, even where there is no legal defense available. Ms. S came to us post-judgment, and we did not see a legal way to get the judgment vacated. (The loan was unnecessarily expensive in terms of the fees and interest rate charged, but did not clearly violate any law.) So, we took the case having simply decided that we would try to negotiate down the amount of the judgment in order to pay it off with a NORMAL loan. The

lender agreed to a reduction of about \$7,500 (perhaps because it would rather get its money without having to do the work of maintaining and re-selling the property). As a result, Ms. S got a new, affordable loan and remained in her home of many years.

We have many stories like this. Each story is a victory for the client, and also for the neighborhoods which suffer every time that a building is lost through foreclosure.

Innovation Description

Program Name: AARP

Address: 601 E Street N.W.
Washington, DC 20049

Phone: (202) 434-2098

Fax: (202) 434-6593

Email: grund@aarp.org

Program Director: Wayne Moore,
Director of Advocacy Planning and Issues Management

Contact Person: Grayce Rund

Subject Area: Delivery Systems

Project Title: Low-cost Branch offices

A. Problem:

Legal services programs have had to close many branch offices because of funding cuts thereby limiting their visibility in many low-income communities. These offices can be restored at a very low cost.

B. Innovation:

AARP Legal Counsel for the Elderly (LCE) has opened a “staff-less” branch office in a community center serving low-income seniors. The office is open two days per week. It is staffed by volunteers who are recruited by the community center and trained and supervised by LCE staff located in LCE’s main office. The volunteers see clients by appointment and conduct an interview. They then call their supervisor at the main office who reviews the case and instructs the volunteer on what to do. The volunteer navigates a specially created website to find legal information relevant to the client’s problem. The volunteer can use a document generator to create a wide range of documents including small claims complaints, health care powers of attorney and letters to creditors. All documents are e-mailed to the supervisor for review and modification and are e-mailed back for signature. The volunteer can conduct a public benefit check-up and perform a variety of other tasks using the website. Quality is insured since volunteers are only navigators and don’t provide advice. Legal advice is provided by connecting the client to LCE legal hotline.

C. Result:

LCE has been able to establish a physical presence in many low-income communities and has been able to serve minority clients who have previously been underserved.

D. Replication:

LCE has contracted with Pro Bono.net to make its specially created website available to states throughout the country. Thus most legal services programs can have access to this website.

E. Materials Available:

See Wayne Moore, “The Future of the Delivery of Legal Services to Low-Income People,” *Management Information Exchange Journal* 16, No. 2 (Summer 2002) p. 6-11.

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THE FUTURE OF THE DELIVERY OF LEGAL SERVICES TO LOW-INCOME PEOPLE

by Wayne Moore¹

This article is an attempt to predict the way legal services will be provided in the future. These predictions are stated in the form of six trends. Legal services will: (1) More fully utilize the human resources available to serve clients, particularly attorney and non-attorney volunteers; (2) Re-establish itself as a physical presence in rural areas, small cities, and low-income neighborhoods of urban areas, where they will serve as centers for empowering these communities; (3) Establish special delivery systems for high volume problems either where the problems occur or where the victims congregate; (4) Continue to establish special delivery systems for underserved populations (e.g. migrants, Native Americans, homeless, AIDS patients); (5) Place more emphasis on finding and addressing problems before they become resource-draining crises by conducting "active" intake and conducting "proactive" advocacy; and (6) Refine its ability to match client problems with the least expensive delivery mechanism that produces sufficient results. Many of these trends are already occurring; others are in the formative stages.

Trend 1: More fully utilize the human resources available to serve clients, particularly attorney and non-attorney volunteers.

Substantial progress has already been made in this area including the extensive use of volunteer attorneys and law students. As part of the LSC-mandated private attorney involvement requirement in the early 1980s, programs greatly expanded their use of attorneys in private practice, primarily as volunteers. This effort was expanded in the late 1980s and 1990s as programs broadened the opportunities for volunteer attorneys to include service to special populations (e.g., homeless, AIDS patients) and the provision of limited legal services (e.g. through intake, hotlines, assisted pro se).

I believe the next best opportunity in this area is the use of "active intake" to find cases appropriate for

underutilized volunteer attorneys. Most pro bono programs have some volunteers with specialties in areas in which the programs experience too few clients. The idea is to employ methods of finding clients with these problems for referral to these attorneys. This can be done by holding periodic clinics in agencies in low-income communities and publicizing them by referencing only the problems sought; people with other problems are simply referred to the program's regular intake. Similarly these clinics can be held at community events attended by low-income people (e.g. health fairs).

The next most promising trend is what is often called "blast e-mail" which was pioneered by AARP/LCE. The predominant methodology used by pro bono programs is to formally recruit volunteer attorneys and refer cases to these attorneys, usually by telephone. In this age of e-mail, it is much more efficient to simply e-mail a brief description of cases (without information that identifies the client or divulges confidential information) to *all* attorneys practicing in the clients' service area. This eliminates the need for formal recruitment as all attorneys in private practice receive the e-mail. In this way, the compelling nature of the cases, not program staff, are the recruitment vehicles for new volunteer attorneys. Cases which are not placed this way can still be placed by phone with attorneys who responded to past e-mails. AARP/LCE places 80% of its cases by this blast e-mail technique.

Programs also will begin to better utilize non-attorney volunteers. Past efforts at this have stalled. AARP/LCE helped pioneer the use of non-attorney volunteers as assistants to staff attorneys in the mid-1970s. While some programs serving seniors adopted this approach, the method never caught on, as it requires staff attorneys to become volunteer supervisors — a role which is foreign to most attorneys. Several programs used non-attorney volunteers to per-

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form client intake (modeled after AARP/LCE), but the advent of legal hotlines replaced these volunteer intake systems. However, I believe non-attorney volunteers are ideally suited to staffing outreach offices in areas where legal services currently do not have offices. This is discussed more fully in the next section.

non-attorney volunteers are ideally suited to staffing outreach offices in areas where legal services currently do not have offices.

Trend 2: Reestablish legal services as a physical presence in rural areas, small cities, and low-income neighborhoods of urban areas, where they serve as centers for empowering these communities.

In response to cutbacks in funding, many legal services programs have closed most of their branch offices. While this has achieved cost savings, it has come at a very dear price. Legal services programs are now invisible in much of their service areas. Operating hotlines or conducting circuit riding doesn't establish legal services as an integral part of a community in the way that maintaining an office does. People don't pass the office during their daily travels or identify a "face" with the program. For many low-income people this diminishes their trust in the program and the relevance that legal services has in their lives. However the power of the internet to deliver information and interactive documents to any neighborhood provides legal services programs with a low cost alternative to expensive branch offices. Non-attorney volunteers supervised by a paid paralegal or remotely supervised by legal services staff can help low-income clients negotiate a website and receive a wide range of information and services. We are presently testing this concept at AARP/LCE to provide the following services:

- A broad selection of legal information licensed from Nolo press, the largest publisher of legal self-help materials (much more detailed than available on Nolo's web site).
- The answers to the 90 most commonly asked questions from AARP/LCE's legal advice line; the answers are written for a 5th grade reading level.
- A wide variety of self-help brochures published by the Federal Trade Commission, AARP/LCE and others that give step-by-step guidance on how to resolve certain routine legal problems.
- A collection of model letters that address common complaints that clients have with businesses (e.g., unreturned security deposit), plus a database of addresses of the complaint departments of most major businesses worldwide. Each letter includes the names and addresses of regulatory agencies in the body of the letter to which copies will be sent. The website software allows a volunteer to generate a customized letter by entering the client's answers to questions asked by the software. We have found that well written letters sent to the correct addresses with copies sent to appropriate regulatory agencies listed in the body of the letters have over a 90% success rate.
- A small claims court complaint form with instructions on how to file the complaint in court, directions to the courthouse, a list of proof that should be brought to the small claims hearing for the most common legal problems, and a description of how the hearing will be conducted. The software will soon allow a volunteer to generate a customized complaint by entering the client's answers to questions posed by the software.
- A public benefits check-up program. By answering the software's questions, the program indicates all federal and local benefits a client may be eligible for. It also provides the location of the nearest benefits office, instructions on how to get to the office via public transportation, and a list of information/documents that clients should take with them (see www.benefitscheckup.org).
- Assistance with obtaining government services. Contains templates for requesting most government services (e.g., removal of: dead tree, abandoned car, trash) and generates an e-mail to the proper government agency. Results are monitored to identify any systemic problems (e.g., discrimination in the distribution of services).
- Assistance with obtaining vital records. Contains addresses of most agencies that house vital records. Letters can be generated requesting copies of these documents.

- A program that generates most legal documents by having clients answer a series of questions posed by the software; the answers are entered by volunteers (e.g., will, power of attorney, promissory note).
- A program that generates court pleadings for most common legal problems by having clients answer a series of questions via volunteers (e.g. uncontested divorce, name change).
- Assistance with applying for government benefits. Soon, some government agencies will allow clients to complete and file an application for benefits online (e.g. Social Security Administration, Veteran's Administration).
- Legal advice. Clients can call the AARP/LCE legal advice line from the outreach office. These calls receive priority treatment from the advice line staff.
- Assistance with completing an intake form for requesting extended services from AARP/LCE. Clients answer a series of questions relating to their legal problems. Potocols exist for over 20 different legal problems. Intake information is e-mailed to AARP/LCE headquarters for assignment to a lawyer or paralegal.
- A program that determines if and where a client can purchase their medicines at a discount.
- Referrals to other legal aid programs or community services. The website contains an extensive list of such agencies with eligibility criteria for each.

The outreach offices operate as follows: they are open two days a week from 10 am and 3 pm. Clients can walk-in; no appointments are necessary. There are two or three workstations, one for a paralegal staff person, and the others for non-attorney volunteers. A workstation consists of a table, a computer with a modem, and a telephone and two chairs: one for the paralegal/volunteer and the other for the client. There is also a printer, fax, and scanner in the office. On the walls are brochure racks containing useful legal information for clients. The paralegal/volunteer and the client sit at the computer. An intake form is completed and the client explains the purpose of the visit. If the client needs a service(s) available in the outreach

office, the paralegal/volunteer negotiates the website and delivers the service using a website instruction manual. When the software requests information from the client, the paralegal/volunteer enters it into the website. If the client needs legal information, the paralegal/volunteer can consult an index of all information available on the website or in hard copy at the office. Also the paralegal/volunteer can do a search of the website using "key words." Information on the website is printed, explained and given to the client. This ensures that it is current as material is continually being updated on the website.

If the paralegal/volunteer does not know what to do, s/he calls LCE's legal advice line for direction. If the client needs legal advice, this is provided by the advice line staff and is documented and monitored for quality in the same manner as all other advice line calls. If the advice line attorney believes the client needs additional services of AARP/LCE, an intake protocol is completed at the outreach site and is e-mailed to headquarters for assignment.

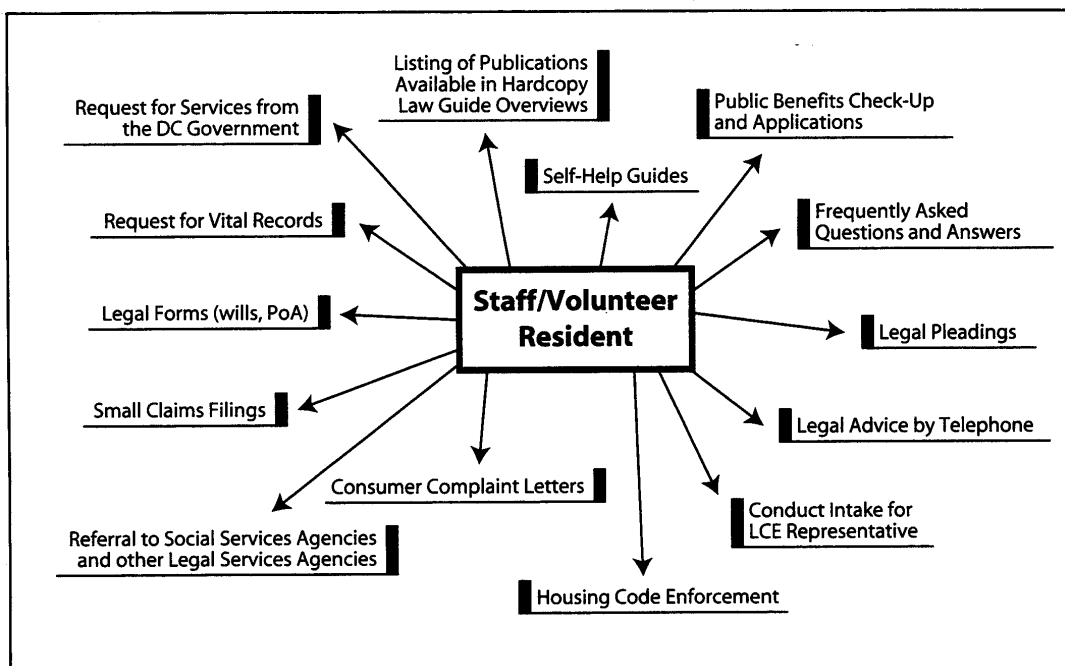
When the client leaves, s/he is told what additional steps, if any, should be taken. These are also provided in a writing, which contains a disclaimer that the office will not take any further action on the client's matter (unless an intake protocol has been submitted); the client must sign the writing acknowledging that s/he understands the disclaimer. The client is, of course, encouraged to return to the office if more help is required for their problem. We just don't want the client to expect that the outreach office has a continuing responsibility for his or her case. No conflict check is administered as no attorney-client relationship is established. If the client calls the advice line or fills out an intake protocol, a conflict check is administered before these services are provided. A diagram explaining the services provided at the outreach sites appears on the next page.

There are two rules which govern the operation of these outreach offices: (1) no legal advice is provided except through the legal advice line, and (2) once the client leaves the office, the office paralegal and volunteers have no further obligations to the client, and the client is so notified. The second rule is key because it preserves the self-help nature of the service and prevents the office from generating a caseload. If a caseload was generated at an outreach office, it would have to be closely monitored to ensure it was competently handled.

Our website software allows any legal document or pleading generated at the outreach office to be

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e-mailed to our main office for legal review. The e-mail also includes the answers to all the questions that were used to generate the document or pleading. This gives us the ability to provide a legal review, modify the documents, and e-mail them back to the outreach site for signing.

The cost of the outreach offices is extremely low consisting of the part-time salary of a paralegal, telephone costs, office supplies, and an Internet provider service (offices are open only two days a week). So far, we have been able to receive free space from churches.

Eventually we plan to test the placement of these outreach offices in social service agencies using the agency's staff to supervise the volunteers who are recruited and trained by us, thereby eliminating our costs for the offices. However, in this situation, the volunteers will be required to call the legal advice line staff or other staff and review each case handled before the client leaves the outreach office.

The outreach offices offer many exciting possibilities. For example, client generated complaints for small claims or landlord/tenant actions (to address housing code violations) could be sent to the AARP/LCE's main office for filing in court. In this way 20-30 cases could be filed at the same time for the same hearing

date. Then one AARP/LCE attorney could be present on the hearing date to help all the clients. The attorney would enter into an attorney – client relationship with those who needed special help. This would reverse the typical pattern of a landlord's or collection agency's attorney filing multiple cases for the same hearing date with legal aid lawyers having to be present to defend a single action. Now the landlord's or businesses' representative would have to be present to defend a single action.

Also we plan to match each office with a volunteer lawyer or law firm to handle systemic issues. We plan to recruit low-income community leaders as volunteers or paid contractors, to serve as the eyes and ears of AARP/LCE and identify systemic problems that need to be addressed. We then plan to recruit volunteer lawyers to address these problems. We have found that we need to offer regular workshops at these outreach offices. Low-income people are so used to being on the defensive, they don't fully utilize our proactive services. We need to teach people how they can use the office to remedy a consumer problem, initiate a small claims case, get their landlord to fix their apartments, or demand city services.

Trend 3: Establish special delivery systems for high volume problems either where the problems occur or where the victims congregate.

It is clearly more efficient to address legal problems where the problems occur or where the victims congregate. This is because the clients are already there and often the problems can be addressed at an earlier stage before they become crises. Since the problems encountered are often similar, highly efficient delivery systems can be designed specifically for these problems. One example of this is the pro se programs being developed by many courts. Generally pro se programs located in the courts are far more efficient than ones conducted in legal services offices because the cost of publicity and logistics is far less and the attendance is likely to be greater. Certain high volume problems such as the need for protective orders can be cost-effectively addressed by audio/visual presentations such as the I'Can program operated by Legal Aid Society of Orange County or kiosks developed by several courts. I've always wanted to operate a mobile van outside a Social Security office where people with SSA and SSI problems go. Services rendered at SSA offices are likely to capture more problems before deadlines have been missed, such as the deadlines for preserving benefits while appealing a termination or an overpayment.

It is clearly more efficient to address legal problems where the problems occur or where the victims congregate

Trend 4: Continue to establish special delivery systems for underserved populations.

Services focused on particular segments of the low-income population (i.e., AIDS patients, the homeless, Native Americans, migrant farmers) have been effective magnets for drawing funding and volunteers. The use of volunteer lawyers had plateaued in the mid-1980s until these specialized programs were developed which attracted lawyers interested in a particular population. Also some of the rare, additional federal funding for legal services has been generated by concern for a particular compelling problem or client group (e.g., victims of domestic violence). This is likely to remain an effective mechanism for garnering more financial and other forms of support.

Trend 5: Place more emphasis on finding and addressing problems before they become resource draining crises by conducting "active" intake and proactive advocacy.

As mentioned in Section II, proactive approaches can be much more cost-effective than reactive advocacy as dozens of proactive lawsuits can be filed for the same court date while programs usually defend lawsuits one at a time. Another effective strategy is to actively seek cases before they become crises. As described in Section I, active intake also can be used to find cases for underutilized volunteer attorneys.

AARP/LCE operates two "active" intake projects. Many low-income seniors in DC are losing their homes due to a failure to pay property taxes. These homes are being sold at tax sales for as little as a few hundred dollars. Many of these seniors have considerable equity in their homes. To identify these seniors, we obtain a list of them from the DC tax agency. We write, call, and visit these homes until contact is made. Most cases can be resolved through non-legal assistance, by helping incapacitated seniors pay their bills or by arranging for a home equity loan or reverse mortgage. In the past, these cases came to our attention when the client faced an eviction proceeding, requiring an enormous use of resources to defend against the eviction and overturn the tax sale.

Our eviction prevention project uses an education campaign to convince landlords and housing managers of low-income housing to contact us before evicting a senior. We match these seniors with social workers who investigate why the client is not paying rent. Most of these clients have been long-time, dependable tenants who suddenly stop paying rent. If the non-payment is due to a social problem experienced by the client, the social worker takes the necessary steps to address the problem and restore the payment of rent. LCE handles any legal aspects of the case including the establishment of a conservatorship, power of attorney or representative payee arrangement. Over 100 clients have been saved from eviction at a fraction of the cost of representing these clients in eviction proceedings. A comparable program for younger clients might be targeted at long-term tenants who have encountered a recent crisis that prevents them from paying rent (e.g. unemployment, death of a wage earner).

Trend 6: Refine the ability to match client problems with the least expensive delivery mechanism that produces adequate results.

One of the most significant advancements in the past 20 years has been the development of more cost-effective delivery systems for addressing categories of client problems. This has included hotlines or advice lines for handling advice and brief services cases, pro se delivery systems for addressing problems that clients can solve themselves with a little help, and volunteer lawyers programs for tackling problems commonly handled by the private bar such as domestic relations, consumer, and tort defense work.

I believe there are two ways that this trend can be advanced. One has to do with how programs match cases to their various delivery systems. Programs need to be far more deliberate about this. The idea is to match every case with the least expensive delivery system that is sufficient to resolve the case. The following are common delivery systems listed in order of their cost per case from least expensive to most expensive: community education, hotline, pro se, volunteer lawyers project (VLP), staff paralegals and attorneys, and systemic advocacy.² This list should form the order of priority in handling all cases. Thus the intake worker should send all clients to the hotline except those clients that clearly need more extended representation. Of the remaining clients, those capable of resolving their own matters with a little help should be scheduled for a pro se workshop. All other clients become candidates for referral to the VLP; this ensures all volunteers are fully utilized. (If the blast e-mail process is used, more cases being offered for placement will result in more cases being placed.) The program staff handle those cases that cannot be handled anywhere else.

The challenge is to know which delivery system is adequate for a particular client. To conserve costs, the client should be referred to the least expensive, viable alternative. But this means safeguards must be built into each delivery system to identify inappropriate cases and send them to the appropriate place. Thus in the case of the hotline, hotline staff should refer inappropriate cases to the least expensive, appropriate alternative. The hotline staff should tickle other cases where it is imperative that the client takes the action recommended or where it is uncertain that the client understood the advice or is capable of following the advice. These cases should be followed-up, preferably by non-attorney volunteers to conserve costs, to determine if the client followed the advice. If not, the client

can be referred to a more appropriate delivery system. With pro se delivery, all clients should be monitored until case completion, again using volunteers if possible. Those incapable of completing the process can be referred for representation by the VLP or staff. Hawaii went from completion rate of 20–30% to one of 80% by implementing a monitoring system. In the VLP, all cases should be monitored (we use non-attorney volunteers). Cases where the outcomes are inconsistent with the facts should be reviewed by staff, particularly those cases closed with advice or brief services where negotiation or litigation appeared to be the appropriate course. Again, inappropriately handled cases can be referred to another volunteer attorney or handled in-house.

The other area of potential development concerns brief service cases and referrals among legal services programs located in the same service area. Even though all of our cases are first handled by our hotline, nearly one-third of the cases closed by staff are closed with advice, brief services and referral. Thus the hotline is not closing all of these cases; another delivery system is needed to handle these cases instead of using expensive staff resources. Furthermore, legal services programs serving the same geographical areas often do not sufficiently coordinate their intakes. Some programs can handle more cases of a certain type, if they received more of them — which is a powerful incentive for better intake coordination. AARP/LCE is testing a new concept, the brief services unit, that addresses both of these concerns. This will be described in a subsequent article.

Conclusion

I am very excited about the current climate of innovation in legal services. I am convinced that we can stretch our meager resources even further through the adoption of some of these new trends in the delivery of legal services.

1 Wayne is the Co-administrator of the AARP Foundation, the Director of AARP's Legal Advocacy, and the Director of AARP Legal Counsel for the Elderly (AARP/LCE) and has been in legal services for over 27 years.

2 Note systemic advocacy can also be viewed as the least expensive, if the measurement is impact on the client community; by community education, I mean services that don't create an attorney-client relationship. I will demonstrate this order of cost effectiveness in a subsequent paper.

Innovation Description

Program Name: Texas Rural Legal Aid

Address: 2202 Post Road, Suite 104, Austin, TX 78704

Phone: 512-447-7707, ext. 370

Fax: 512-447-3940

Email: txcbar@lact.org

Program Director: David Hall

Contact Person: Heather Way, Texas C-BAR Director

Subject Area: Community development

Project Title: Texas Community Building with Attorney Resources (Texas C-BAR)

A. Problem:

Community-based organizations in low-income communities have traditionally lacked access to the pro bono legal assistance they need to renovate affordable housing, develop child care programs, and initiative other programs to improve the quality of life in their communities. At the same time, transactional lawyers with firms and corporations have traditionally had more limited opportunities through established pro bono programs to provide pro bono assistance within their areas of expertise, such as on real estate, corporate, tax, and contract matters.

B. Innovation:

Texas C-BAR matches community-based nonprofits working in low-income communities with pro bono attorneys to help the nonprofits with transactional (non-litigation) legal matters, such as real estate, tax, corporate, and general business law matters. C-BAR staff also provides some limited direct legal assistance to nonprofits, especially for groups which are not ready to refer yet to an attorney. In addition, Texas C-BAR has developed an on-line legal resource center for nonprofits which includes a broad range of legal forms and information about community development, at www.texasccbar.org. Texas C-BAR offers a broad range of legal workshops for nonprofits as well.

C. Result:

Since 2000, Texas C-BAR has assisted more than 125 community-based nonprofits on a broad range of transactional legal matters and recruited more than 35 law firms and corporations to participate in Texas C-BAR's pro bono legal referrals. Texas C-BAR's

volunteer attorneys have provided a million dollars in free legal assistance to these organizations. Through Texas C-BAR, organizations have received assistance on a broad range of critical legal matters, including incorporating as a nonprofit, real estate documents to allow organizations to purchase lots, loan documents to help organizations establish low interest loan programs for low income families, and corporate and tax matters for nonprofits trying to develop much-needed commercial development in distressed communities.

D. Replication:

Texas C-BAR is modeled on other similar programs across the country, including Lawyers Alliance for New York, Community Legal Resources in Detroit, and Public Counsel in Los Angeles. Dozens of other similar programs have been created across the country. The American Bar Association's Business Law Section sponsors a project, "A Business Commitment," which provides support to help incubate new projects like Texas C-BAR. A more complete list of other programs and information on the ABC Project is available in "The ABC Manual: Starting and Operating a Business Law Pro Bono Project, available on the American Bar Association's Business Law Section website, at <http://www.abanet.org/buslaw/probono/home.html>.

E. Materials Available:

Legal forms related community development, brochures, articles, procedure manual, and other documents relating to operation of Texas C-BAR. Many of these materials are available on the Texas C-BAR website at www.texasbar.org or from the ABA Business Law Section's ABA Project.



Community Building with Attorney Resources

2201 Post Road, Suite 104 • Austin, Texas 78704
tel. 512/447-7707, ext. 370 • fax. 512/447-3940 • txcbar@lact.org • www.texasctbar.org

WHAT IS TEXAS C-BAR?

Texas C-BAR provides free legal assistance to nonprofits working to improve the quality of life in low income communities. Through Texas C-BAR's attorney referral program, volunteer attorneys with experience in real estate, corporate, employment, and business law are placed with nonprofit organizations to help them navigate through the legal complexities of their charitable work. Nonprofits can also access a broad range of legal information, forms, and website links through the Texas C-BAR on-line resource center, at www.texasctbar.org. In addition, Texas C-BAR presents workshops for nonprofits on important legal issues, including employment law, joint ventures with for profit organizations, and post-incorporation legal maintenance.

THE IMPORTANCE OF ACCESS TO QUALITY, AFFORDABLE LEGAL SERVICES

Texas C-BAR recognizes that access to high quality legal services is critical to the success of nonprofits. Texas C-BAR also recognizes that community organizations often lack the resources to obtain the legal advice they need. As a result, many organizations are unable to pursue complex development transactions or expose themselves to unnecessary liability by pursuing activities without appropriate legal assistance.

Your organization may be one of these organizations. If so, Texas C-BAR wants to help. Texas C-BAR is dedicated to providing the highest caliber of legal assistance by linking community-based nonprofits with volunteer attorneys, providing guidance to nonprofits on their legal needs, and training staff and board members at legal workshops. All of our services are free of charge.

WHAT TYPES OF LEGAL ASSISTANCE ARE AVAILABLE?

Texas C-BAR provides a broad range of non-litigation legal services, including:

- | | |
|---|-------------------------------------|
| ➤ Drafting and negotiating contracts | ➤ Clearing title to parcels of land |
| ➤ Preparing real estate documents | ➤ Reviewing loan documents |
| ➤ Drafting employment law manuals | ➤ Applying for tax exempt status |
| ➤ Setting up nonprofit day care centers | ➤ Advice on corporate governance |
| ➤ Drafting articles and bylaws | ➤ Reviewing construction documents |

"We have received outstanding pro bono legal services. These services have enabled our organization to make prudent decisions, enter into complex contracts, and handle other issues related to our housing development activities with confidence that our interests as a small non-profit corporation and the interests of our low-income clients are best served. Much of our success is owed to the pro bono legal assistance we have received."

— **Mark Rogers, Director, Guadalupe Neighborhood Development Corporation**

WHO IS ELIGIBLE FOR ASSISTANCE?

Organizations which meet the following guidelines are eligible for assistance:

- 501(c)(3) community-based nonprofit organization;
- Primary mission is to serve low-income persons; and
- Inability to afford legal services.
- Exceptions to the above require approval from C-BAR's program committee.
- Priority is given to community-based nonprofits whose focus is to improve the quality of life in low income communities through affordable housing and economic development, including job training and workforce development programs, revolving loan funds, and child care providers

Start-up organizations which have not yet incorporated are also eligible for legal assistance with the nonprofit incorporation process.

"Texas C-BAR has saved our organization several thousand dollars in legal fees. This savings will be used to provide high-skills job training to Austin-area residents. This is a great service!"
—*Kathleen Burnside, Capital IDEA, Austin*

HOW CAN OUR ORGANIZATION RECEIVE ASSISTANCE?

You first need to submit an application. An application can be obtained in three ways:

- Visit our web site, at www.texascbar.org;
- E-mail us at txcbar@lact.org; or
- Call us at 512-447-7707, ext. 370

Texas C-BAR staff is available to answer any questions you may have about our services or completing the application. Once we receive your completed application, we will contact you to let you know whether your application is approved, and if approved, will locate a qualified attorney for a referral. After a referral is made to a lawyer, Texas C-BAR staff will be on hand as an ongoing resource for you and your organization with any issues that may arise. For more information about Texas C-BAR's 2002 schedule of workshops, please visit the Texas C-BAR website, at www.texascbar.org.

ABOUT TEXAS C-BAR

Texas C-BAR was founded in 2000 as a special project of Legal Aid of Central Texas ("LACT"), in collaboration with nine legal services programs in Texas. The staff at LACT has over 50 years combined experience in providing free legal services to community-based organizations. Since October 2000, Texas C-BAR has served more than 100 nonprofit community development organizations across the State, in both rural and urban areas. Texas C-BAR receives a broad range of support from the legal community and the State Bar of Texas and has been adopted as the official pro bono project of the State Bar's Real Estate, Probate, and Trust Law Section. Texas C-BAR's major funders include the Texas Bar Foundation, the Meadows Foundation, Bank of America, Washington Mutual, and Wells Fargo.

Innovation Description

Program Name: Queens Legal Services Corp.
Address: 89-00 Sutphin Boulevard
Jamaica, New York 11435
Phone: (718) 657-8611 Ext. 21
Fax: (718) 651-0185
Email: isaacsli@queenslegalservices.org
Program Director: Lisa Isaacs
Contact Person: Lisa Isaacs
Subject Area: Various Legal Areas
Project Title: Know Your Rights Advisory Clinics

A. Problem:

The need for legal assistance in the areas of housing and child support in New York City is overwhelming, and the agency's ability to provide direct legal services is limited.

B. Innovation:

The clinic trains clients in a group setting separately from the clinical program. In the training sessions, clients are advised of basic rights and issues that arise in the context of court proceeding, and then encouraged to go through the project's intake procedure. The intake will establish whether the client and/or the case is suitable for the clinic, which provides for clients to represent themselves in the court proceeding. The clinic is a series of one-on-one encounters in which the client and case handler develop a litigation strategy and learn how to cause papers to be filed, what to expect in court, etc. The client has a contact within the project throughout the proceeding should the proceeding become complicated.

C. Result:

By asking clients to go to court pro se, we are able to serve more clients with complex cases or who are less able to defend their rights.

D. Replication:

This project is easily replicated in other legal service programs, since the issue is one of the level of service provided to clients.

E. Materials Available: None

Innovation Description

Program Name: Legal Aid of East Tennessee, Knoxville office

Address: Suite 404
502 S. Gay Street
Knoxville, TN. 37902

Phone: (865) 637-0484

Fax: (865) 525-1162

Email: jwilliams@laet.org

Director: David Yoder

Contact person: Jerry Williams

Subject Area: landlord tenant disputes - court evictions

Project Title: Detainer Court Project

A. Problem:

Eviction cases in Knox County, Tennessee, are set each Tuesday in the General Sessions Court, Division Five. Approximately 4,500 to 5,000 detainer cases are filed each year, and an average of 100 are scheduled on any given Tuesday that court is in session. The courtroom is standing room only, and there is almost always an overflow of people out into the hall.

There is a great lack of information about the respective rights of landlords and tenants and a good deal of misinformation concerning evictions among the general population. A majority of the tenant defendants (especially low-income defendants) in detainer actions are unaware of their rights under the Uniform Residential Landlord and Tenant Act. Few have even heard of the Act. Even more surprising is that many landlords are also unaware of the legal process for evicting tenants. Some landlords who are aware of the ignorance of their tenants choose to ignore the legal process in order to evict a tenant quickly by self-help measures such as lock-outs, utility shut-offs and intimidation.

B. Innovation:

The Detainer Court Project was designed to address these problems and is based on the premise that our legal system works best when all the parties understand the process and know their rights and responsibilities under the law. A proposal was presented to the Knox County General Sessions Court judges, and permission was granted to set up a display and information table outside the courtroom.

Information: Printed materials on landlord tenant law and other areas affecting low income clients are distributed, including information on health law, employment problems, domestic violence, consumer problems, pro se representation, etc. Information specific to landlord tenant law includes “Your Rights as a Tenant Under the Uniform Residential Landlord and Tenant Act,” “How to Avoid Excessive Damage Charges,” “A Guide to Subsidized Housing” (which includes addresses and telephone numbers of HUD funded projects and emergency numbers), and “Landlord Guide to the Uniform Residential Landlord and Tenant Act.” The “Landlord Guide” was specifically developed for the Detainer Court Project. It describes in detail what a landlord cannot do when evicting tenants, including warnings of the dangers of self-help evictions - a problem in some of the poorer neighborhoods where legal aid clients live. The Landlord Guide was developed because we believe that educating landlords is important in protecting the rights of our clients and improving the quality of rental housing.

Screening/staffing/referrals: A paralegal, a law clerk, or a volunteer, in addition to one or more attorneys are available for consultation or representation as appropriate. Potential clients are screened for income and asset eligibility, and conflicts are checked with the LAET office by cell phone. Ineligible persons are referred to the private bar and are provided information on contacting the Bar Association’s lawyer referral program and the University of Tennessee’s Legal Clinic.

Depending on the nature of the case, we may give advice to the client, open a case, or refer the parties to the court mediation program which maintains a presence near the courtroom or to the private bar. The court mediators send us referrals on occasions where mediation fails. On more complex cases, LAET may accept a case for investigation and request a continuance in order to do an appropriate investigation, subpoena witnesses, etc. Some cases are placed through the LAET Pro Bono Project. On simple cases, attorneys may assist clients immediately in reaching agreements, thereby saving court time in hearing individual cases tried by uninformed parties.

C. Result:

An indication of the success of the project is the fact that the judges are referring more and more clients to us for advice or representation. We prevent evictions by asserting clients’ rights. We negotiate agreements with landlords for clients to remain and work out payment plans. Where evictions cannot be prevented, we counsel clients in finding housing and other social services. Clients are provided with information aimed at preventing future problems with future landlords.

D. Replication:

The Detainer Court concept can be replicated in jurisdictions where eviction matters are scheduled consistently on certain days. The proposed project must be coordinated with court personnel with the approval and support of the judges. Relationships of cooperation and trust must be built with mediators, court clerks and other personnel and especially with judges. Good educational materials must be developed.

E. Materials Available:

Copy of original proposal is attached. Educational housing pamphlets are available from Legal Aid of East Tennessee.

DETAINDER COURT PROJECT PROPOSAL for the Knox County General Sessions Court

This is a proposal of the Knoxville Legal Aid Society, Inc., for implementing a legal assistance project in the Knox County General Sessions Court, Detainer Division.

Background - The primary source of the law which governs the relationship between landlords and tenants in Knox County is the Uniform Residential Landlord and Tenant Act, TCA §§ 66-28-101, et seq. While the Knox County Circuit Court and the Knox County General Sessions Court have concurrent jurisdiction, the bulk of the responsibility for adjudicating disputes between landlords and tenants falls to the General Sessions Court, Division Five. Detainer cases are scheduled on Tuesdays on the third floor of the old Knox County Courthouse. The Civil Division of the General Sessions Court office is also located on that floor. The five General Sessions Court judges - Tony Stansberry, Brenda Waggoner, Bob McGee, Geoff Emory, and Chuck Cerny, - rotate between the five sessions courts on a weekly basis (in the order listed.). Therefore, a given judge will hear detainer cases once every five weeks.

Mediation - The Community Mediation Center - At least one team (usually two) of mediators is present on Tuesdays to mediate disputes between willing landlords and tenants. There is a small room outside the courtroom for mediation. On normal days, no more than two or three lawsuits will be mediated. If there is more than one team available for mediation, the second team will use a room in the City and County Building. Robert Swan is the Court Mediation Director and the Judicial Clerk for the General Sessions Court. The **University of Tennessee Mediation Clinic** may also provide student mediators on an irregular basis, depending on UT's scheduling and the availability of students. Ann Barker is the director of the UT Mediation Clinic.

Problem: Crowded docket: Approximately 4,544 detainer cases were scheduled in the Fifth Sessions Court in the year 2000. Over the 46 weeks in which detainer cases are heard, this averages to 99 cases on the docket per week. The courtroom is standing room only, and there is almost always an overflow of people out into the hall. Court is scheduled to begin at 9:00 a.m. At 9:00 a.m., a representative of the Community Mediation Center presents a description of the process of mediation and offers landlords and tenants an opportunity to mediate their cases. If there is a mediation team available, the judge will often direct the parties to mediation where neither party is represented by an attorney.

Problem: Landlords' and Tenants' Lack of Information: There is a great lack of information about the respective rights of landlords and tenants and a mountain of misinformation concerning evictions among the general population. A great majority of the tenant defendants in detainer actions are unaware of their rights under the Uniform Residential Landlord and Tenant Act. Few tenants have even heard of the Act. Even more surprising is that many landlords are also unaware of the legal process for evicting tenants. Some landlords, aware of the ignorance of their tenants, may choose to ignore the legal process in order to evict a tenant quickly.

We believe that our legal system works best when all the parties understand the process, know their rights under the law, and abide by the law. An important component of the mission of the Knoxville Legal Aid Society in improving housing conditions in our community is the

education of the community - both landlords and tenants. Our experience has been that informed landlords are much more likely to respect the rights of their tenants and follow the law. The court system can be intimidating and confusing to defendants. They are about to lose their homes and may be unaware that there is anything they can do about it or that resources are available to assist them in finding alternative housing. Low income families are generally less informed of their rights and are especially at risk of becoming homeless.

The General Sessions Court Judges routinely remind the litigants that they cannot give legal advice to the parties. Judges will often inquire if the parties wish to consult a lawyer, and if so, a judge may grant a continuance in order for the parties to seek the advice of an attorney. Some of these defendants find their way to Knoxville Legal Aid Society and the UT Legal Clinic. Many slip through the cracks.

Proposal: The Detainer Court Project: KLAS proposes to develop a project to address some of the problems and concerns outlined above. KLAS has been an important participant in the planning and development of the Fourth Circuit Court's Thursday Order of Protection Day, and will draw upon those experiences in implementing the Detainer Court Project.

1. Information: KLAS proposes to set up a display and information table in the waiting area near the steps on the third floor of the old Courthouse. Printed material on the Uniform Residential Landlord and Tenant Act, tenants and landlords rights and responsibilities, community resources for help with finding housing (subsidized and non-subsidized) will be available to both landlords and tenants. Other informational pamphlets developed by KLAS will be available - Examples: TennCare, Families First, Elder Care, Domestic Violence, Consumer Protection, Representing Yourself in General Sessions Court, How to File a List of Exemptions, etc.

2. Staffing/Screening: At least two attorneys - one or more KLAS staff attorneys and a pro bono volunteer attorney - will be available for consultation with persons who meet KLAS's income and asset guidelines. Persons not meeting KLAS guidelines will be provided information on finding a private attorney through the Knoxville Bar Association's Lawyer Referral Association. Other paralegals and volunteers will assist in determining eligibility for KLAS services (including checking conflicts) and will provide referrals to housing agencies such as KCDC.

3. Referrals/Representation/Assistance: Depending on the nature of the case, the parties may be referred to **Community Mediation Center**, the **University of Tennessee Legal Clinic**, the private bar, or may be accepted for representation by KLAS and given brief advice or service on the merits of the case. On more complex cases, KLAS may accept a case for investigation and request a continuance in order to do an appropriate investigation, subpoena witnesses, etc. Some cases may be placed through the **KLAS Pro Bono Project**. On simple cases, attorneys may assist clients immediately in reaching agreements, thereby saving court time in hearing individual cases tried by uninformed parties. There is an area on the third floor near the elevators on the west side of the building which can be used for more private discussions between clients and attorneys, as well as for negotiations.

4. Benefits: The proposed legal assistance project will aid in a smoother, more efficient administration of justice, while providing education and assistance to tenants and landlord alike. The result will benefit both the courts and the citizens of Knox County.

KLAS contact person:

Jerry J. Williams, Housing Attorney
Knoxville Legal Aid Society, Inc.
502 S. Gay Street, Suite 404
Knoxville, TN 37902
Tel.: 865-637-0484
e-mail address: j.williams@klas.org

Pro Bono Project contact person:

Terry Woods, Director, PBP
502 S. Gay Street, Suite 404
Knoxville, TN 37902
Tel: 865-525-3425
e-mail address: t.woods@klas.org

Innovation Description

Program Name: Nassau/Suffolk Law Services

Address: 1 Helen Keller Way 5th Fl.
Hempstead, NY 11550

Phone: (516) 292-8100 x 3108

Fax: (516) 292-6529

Email: cappleton@wnylc.com

Program Director: Jeffrey Seigel

Contact Person: Candace Scott Appleton, Senior Staff Attorney

Subject Area: Housing

Project Title: Illegal Evictions and How to Stop Them

A. Problem:

Back in the mid 1980's, I was the senior staff attorney in charge of our housing unit in Suffolk County, Long Island. Our catchment area was a vast expanse stretching 80 miles from the Nassau County border out to Montauk Point. Three attorneys were serving the 60,000 plus eligible tenants. Landlords were running rampant and bypassing court proceedings. Illegal evictions were commonplace. Unfortunately, police who were called to the scene refused to do anything alleging it was a "civil" matter.

B. Innovation:

Out of frustration, I devised a pamphlet directed specifically to the police which outlined the criminal laws violated. Copies of these laws were attached. Tenants, anticipating trouble, were given the pamphlet, told to keep it with them at all times, and directed to hand them directly to the officers who arrived on the scene.

C. Result:

Lo and behold, within one year of our leaflet campaign, the police had come to their senses. Order Number 88-19 of the Suffolk County Police Department [procedures for responding to illegal evictions] was born! It's still in effect today,

D. Replication:

These efforts would be quite easy to replicate, especially today with the use of computers to design and mass produce leaflets. Mine was very bare bones, and even

that did the trick. The secrets, though, were persistence and consistence. I really think that we and our clients just wore the police force down.

E. Materials:

My leaflet can be found on our webpage <http://www.nslawservices.org> (Self help & Info/Housing Law/Illegal Evictions).

Innovation Description

Program Name: Greater Upstate Law Project and Western New York Law Center

Address: 119 Washington Ave, Albany NY 12210

Phone: (518) 462-6831

Fax: (518) 462-6687

Email: aerickson@wnylc.com

Program Director: Anne Erickson

Contact Person: Joe Kelemen

Subject Area: Technology, Collaborations

Project Title: Fair Hearing Bank and the On Line Resource Center

A. Problem:

Each year hundreds of thousands of administrative Fair Hearings are held in New York. While most will turn on specific facts, a percentage of these decisions will help interpret law and have precedential value. Unfortunately, New York State has never collected, reported or summarized these decisions. Legal services attorneys would submit hearing decisions of interest to the support center, the Greater Upstate Law Project, and GULP would maintain these in paper files with a basic database of summaries. Advocates would call with a client issue, GULP staff would review the database and if a decision was on point, fax the decision to the advocate.

B. Innovation:

Working with the tech experts at the Western New York Law Center we created an on-line Fair Hearing Bank which now contains over 1,500 decisions all linked through a searchable database. Registered users can quickly conduct a search by key word or regulation, get a list of decisions that address the issue, and download a copy of the actual decision for use in their own hearings. The system also allows attorneys to submit decisions on-line by providing a summary of the decision and a copy of the decision itself. If the decision is recent enough, the state will provide GULP a copy of the decision electronically.

C. Additional Opportunities for Innovation:

Because of its history as a support center, GULP also has in-house libraries of unreported decisions, model pleadings, briefs, and other materials that help inform the delivery of legal services in a number of poverty law areas. GULP is now working with WNYLC to create searchable databases of the document summaries with links to the documents to provide access to these resources online. While the Fair Hearing Bank is open to anyone who registers, the substantive law areas of the On Line Resource Center are open only to those who are representing poor or low income individuals and families in particular civil matters. GULP staff screen requests for access and provide approval as appropriate. The Center was launched in September (2002) with Public Benefits as its initial focus. Housing will soon be added, followed by Disability Law. More than a “brief bank,” the On Line Resource Center offers advocates access to all legal materials related to a particular issue or case. For example,

D. Result:

The groundwork for both the Fair Hearing Bank and the On Line Resource Center was more intense than we realized. Converting the database and scanning old documents was extremely time consuming. We’ve been very lucky – and successful – in getting a number of law students to work on the project. We were able to secure some private foundation funding to help support the initial efforts, but do not have operational support yet. Web space for these vast resources was initially hard to find. WNYLC solved the problem by buying their own server and putting everything on line in their own office. With the software and technological issues resolved, the challenge now is to keep the materials up-to-date. Users now have easy access to a wealth of Fair Hearing decisions; they can easily see if an issue has already been ruled on (for better or worse) and they can strengthen their representation of clients by tapping into this resource. Using the technology to allow advocates to submit decisions directly to the Bank (with GULP acting as gatekeeper to ensure quality and consistency), the Bank has the potential to continue to be built by the community. With the Resource Center we are still working to convert GULP’s vast library of materials and will continue to build the Center over time. At this point, we’re focusing on developing the summary database and most documents have not been converted to electronic form. As documents are requested, we convert, link and post them, building the Center based on the needs of the community.

E. Replication:



Yes, if time and resources are available

F. Materials Available:

Visit the On Line Resource Center at: www.gulpny.org.

ONLINE RESOURCES by WNYLC & GULP - Microsoft Internet Explorer

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Online Resource Center

Menu	Benefits Law: CASEID:100	Nancy Krupski Logged in
Home Logout OTDA Materials Information Contacts WNYLC.net GULP.org My Account Submit Case	<p>Case Name: Bray v. Kaladjian</p> <p>Forum/Court: USDC-NDNY</p> <p>Statutes Involved: 42 U.S.C. §1983, 28 U.S.C. §1331, 42 U.S.C. §601, 42 U.S.C. §602, N.Y. Soc. Serv. Law § 131-a</p> <p>Regulations Involved: 45 C.F.R. §233.20 (a)(3)(ii)(d), 18 N.Y.C.R.R. § 352.1, 352.2, 352.3, 352.5</p> <p>Keywords: AFDC, filing unit, legal responsibility.</p> <p>Summary: This class action sought declaratory and injunctive relief against the Commissioners of the New York State and Monroe County Departments of Social Services. After taking in the two grandchildren, plaintiff, herself a recipient of AFDC, applied to the MCDSS for assistance for the two children. After a Fair Hearing, MCDSS agreed to provide such additional benefits but determined that the household would now consist of a single family unit eligible for benefits at a "six person" rate. If the Bray household had been calculated as consisting of two family units - Ms. Bray's 4 natural children on one hand and Ms. Bray's two nieces on the other, the aggregate amount of money allowed to the Bray household would have been more per month than under the new calculation. The plaintiff contends that there is no legal obligation to provide for or share their expenses with the children they take in and dispute being penalized for doing so. Plaintiffs requested a hearing to prove that her economic situation did not allow for the pooling of benefits. The state agency declined to grant such a hearing. Plaintiff argues that defendants have created a policy that: 1) violates federal regulations requiring uniform standards and equitable and consistent treatment; and 2) by virtue of the foregoing, penalizes poor caretakers who take in relatives for whom they have no legal responsibility. Although the District Court granted plaintiff's motion for summary judgment and held that the State of New York may not make such groupings, solely by assuming that resources will be adequately shared, in order to arrive at a single family assistance unit, the Second Circuit reversed and directed that the complaint be dismissed.</p> <p>Docket/Index/Citation: 25 F. 3d 135</p> <p>Judge Assigned: Thomas J. McAvoy</p> <p>Case Handler Prg. Addr.: Monroe County Legal Assistance Corporation, 87 North Clinton Ave., Rochester, New York 14604-1479, Bryan D. Hetherington, Kenneth Shiotani, and Legal Aid Society of Mid-New York, 185 Genesee Street, Suite 1407, Utica, New York 13501, Michael Bagge, Attorneys for Plaintiffs.</p> <p>Last Update: 10/30/2002 5:36:53 PM</p> <p>Documents available in this summary. Bray v. Kaladjian - Order [Document Date:6/6/1994] is offline. To request this document online, click the link to send an email with your request.</p> <p>Bray v. Kaladjian - Order [Document Date:12/28/1992] is offline. To request this document online, click the link to send an email with your request.</p> <p>Bray v. Kaladjian - Petition for Writ of Certiorari [Document Date:8/27/1994] is offline. To request this document online, click the link to send an email with your request.</p> <p>Bray v. Kaladjian - Plaintiff's Memo of Law in Support of Summary Judgment [Document Date:3/6/1992] is offline. To request this document online, click the link to send an email with your request.</p>	

Information Regarding Online Resource Center

Internet

INNOVATION DESCRIPTION

Program Name: Memphis Area Legal Services, Inc.

Address: 109 N. Main St., Suite
Memphis, Tn 38103

Phone: (901) 523-8822

Fax: (901) 543-5087

E-Mail: eshearon@malsi.org

Program Director: Harrison D. McIver

Contact Person: Elder L. Shearon, III

Subject Area: Community Legal Education

Project Title: Young Adult Legal Introduction Series

A. Problem:

Memphis Area Legal Services Attorneys, specifically those in the Consumer Law Unit, find that, in a large number of cases, clients find themselves with problems to which there is no good legal solution, but which could have been avoided had the clients had some very basic advance knowledge about their legal rights and obligations.

B. Innovation:

The Private Attorney Involvement (PAI) component of Memphis Area Legal Services (MALS), International Paper, and the Memphis City School System have collaborated on a curriculum referred to as the "Young Adult Legal Introduction Series." The purpose of this program is to familiarize young persons approaching the age of majority with certain basic legal principles which may help them to avoid some of the intractable problems most frequently seen by legal services lawyers. The project was introduced at a teacher training, and the first module of the curriculum will be introduced in high school economic classes (a required course).

The format for the curriculum is a series of modules, each intended to be presented in a class period. A module will consist of an audio-visual segment about 15 minutes in length, along with printed instructional matter and "question & answer" materials for use in classroom discussions. The audio-visual will dramatize a problem situation involving a young person, with each scene of the "drama" followed by a brief "plain English" legal analysis of

what is going on and what the protagonist should have done differently. A short summary will wind up each segment.

The first module (tentatively entitled, "The Short Happy Ride of Steve Coleman") involves the purchase of a used car by a young individual. The audio-visual portion is presented in six scenes, dramatizing the ill-advised purchase, followed by car trouble, repossession, and a court appearance in which a deficiency judgment is taken against the young person. Each is played out in a dramatic (somewhat humorous) vignette followed by the thoughts of a lawyer. It is accompanied by the printed materials described earlier.

The expectation of International Paper and MALS is that these units will be very user friendly for the teachers and very instructive for the students in some very important areas, and fun for both to use. Future modules will deal with a variety of commonly-encountered legal areas.

C. Result:

We hope this will be a form of community legal education which reaches a substantially larger population than is typically accessible to legal services community education efforts.

D. Replication:

These materials are "Tennessee-specific", but within the state they could be used in a variety of contexts, including parent and other adult education. The concept could be used in any locale in which the schools are open to the idea.

E. Materials Available:

A project description is available from MALS. The first module of the curriculum will be in production shortly.

Innovation Description

Program Name: Memphis Area Legal Services (MALS)
Address: 109 North Main, 2nd Floor
Memphis, TN 38103
Phone: 901.523.8822 X257
Fax: 901.529.8706
E-Mail: wbrewer@malsi.org
Director: Harrison D. McIver, III
Contact Person: Webb A. Brewer
Subject Area: Collaborations/Access to Special Populations
Title: Handicap Accessibility Survey Project

A. Problem:

Equal opportunities in housing is a basic right for everyone. Passage of the 1998 Fair Housing Amendments Act was intended to give persons with disabilities greater freedom to choose where they live and greater freedom to visit friends and relatives. Yet twenty years later, the design and construction of multifamily dwellings fail to fully comply with accessibility standards.

Disabled persons in the Memphis community face significant barriers in trying to obtain decent, safe and affordable housing for two reasons: there is a limited supply of housing units designated for the physically disabled and there is a documented history of local apartment complexes failing to comply with accessibility requirements. The negative impact of these barriers is increased when combined with the growing population of persons with disabilities.

B. Innovation:

MALS partnered with the Memphis Center for Independent Living (MCIL) in 1999 and surveyed twenty-six (26) covered dwellings built for first occupancy after March 1991. This purposes of this project was to examine complexes in the Memphis area for compliance with the first two design requirements of the 1988 Fair Housing Act, to initiate actions that would remove architectural barriers, and to promote compliance with applicable laws. The Survey examined numerous features regarding accessible building entrances on accessible routes and usable public and common use areas.

As a visible advocacy and action agency in the disabled community, the MCIL was uniquely positioned to perform the inspections that focused on features found in common areas, such as parking lots, recreations areas, and postal facilities. Results were obtained through visual observations of the property and the completion of questionnaires.

C. Result

The survey reviewed 6,662 units, of which 2899 were determined to be “covered” units which are defined by the Act as: (1) those buildings consisting of four or more units with one or more elevators and (2) ground floor units in other buildings having four or more units. The four most common barriers were ramps, width, slope and access aisles, which account for 67% of the total barriers identified.

Among other violations, large numbers of units were totally inaccessible because of barriers such as steps or ledges. Ramps, where they existed, were often too steep or too narrow. As a result of the survey, twenty-two (22) administrative complaints were filed with the U.S. Department of Housing and Urban Development. In addition, a federal lawsuit was filed by MALS on behalf of the MCIL against the most serious violators. Approximately thirty (30) defendants were named in the lawsuit. The U. S. Justice Department intervened in the lawsuit in October 2001 naming additional defendants. The parties are currently engaging in settlement negotiations regarding plans to retrofit the complexes, which includes exterior walkways and public areas, and to establish a fund to compensate individuals who were improperly denied access.

The success of this project will have a far-reaching affect on the design and construction of covered multifamily dwelling in the Memphis community and will provide access to housing choice for persons with disabilities.

D. Replication:

This innovation can be replicated in other communities by civil legal services programs, assuming resources and expertise are available to perform an objective, accurate examination.

Materials Available:

Copies of the accessibility surveys can be downloaded at www.mcil.org.

Innovation Description

Program Name: AARP Legal Counsel for the Elderly

Address: 601 E Street N.W. Washington, D.C. 20049

Phone: 202-434-2170

Fax: 202-434-6464

Email: jmay@aarp.org

Program Director: Jan May

Contact Person: Jan May

Subject Area: Community Education/Client Self-Help/Outreach

Project Title: Legal Rights Fair

J. Problem:

Prospective clients may not know of the full panoply of services available at a particular organization.

K. Innovation:

Creation of a legal rights fair (about 3 hours in duration) where prospective clients can come into a large area where booths are set up and staffed by staff and volunteers to provide such services as self help information, public benefits check-ups, Medicare bingo, long term care ombudsman information, advice from a hotline attorney, or in-depth interviews for more complex legal problems.

L. Result:

114 older D.C. residents learned a great deal about services offered, received a variety of services, and were given significant information and direction about pressing legal issues they faced within a three hour period.

M. Replication:

This event sparked a great deal of good will toward the organization from clients as well as from staff and volunteers who participated. It requires a great deal of upfront work and advertising to the client community, but is certainly a doable event once a year.

N. Materials Available:

Flyer passed out to the client community.

11/04/2002 MON 18:55 FAX

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September 26, 2002

11:00 a.m.—2:00 p.m.

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601 E Street, NW

Washington, DC 20049

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